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From Portrait by Wright, 1856.

Charles Sumner

LIFE OF  
CHARLES SUMNER

BY

WALTER G. SHOTWELL

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## P R E F A C E

I suppose it will be conceded that the most interesting period of the history of the United States is that leading up to, covered by, and following the Civil War. The nation "conceived in liberty and dedicated to the proposition that all men are created equal," in its brief existence of fourscore years had made an unexampled growth in population and material prosperity. It had gathered about it the pride and the hopes of millions of patriotic people. The questions for solution were whether the nation could continue to exist and whether the fundamental principle of its organization could be maintained. These were great questions.

In the discussion of them it was natural that great interest should be shown and that as the contest warmed great passions should be enlisted. The battles of the period were all fought in Congress and on the stump before they were transferred to the field. They developed a race of orators and statesmen, commencing with Webster, Calhoun and Clay and ending with Lincoln, Sumner and Douglas, that has never been equalled. I purpose to write the life of one of these men.



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## PORTRAITS

CHARLES SUMNER IN 1856, AT THE HEIGHT OF HIS  
EARLIER CAREER. FROM THE PAINTING BY  
WIGHT.

*Frontispiece*

CHARLES SUMNER IN 1873. FROM A PHOTOGRAPH  
BY ALLEN.

*To face page 694*

# LIFE OF CHARLES SUMNER

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## CHAPTER I

### BIRTH—ANCESTRY—FATHER—MOTHER

CHARLES SUMNER was born in the city of Boston, January sixth, 1811, the child of Charles Pinckney, and Relief Jacobs Sumner. It was a twin birth, the other child being Matilda. The house in which they were born is no longer standing. It was in May, now Revere Street and occupied a part of the present site of the Bowdoin School. This continued to be the home of the family until 1825 or 1826 when they removed to what was then No. 53 Hancock Street, later No. 33. These houses Mr. Sumner did not own, but in 1830 he purchased No. 20 Hancock Street and this continued to be the home of the family until 1867. There were born to the same parents, after the two that have been mentioned, seven children, Albert, Henry, George, Jane, Mary, Horace and Julia, the last being the only one to survive her brother Charles.

The Sumner family were from Oxford County, England, where their ancestor, William, who first came to America was born in 1604 near Bicester. He settled at Dorchester, Mass., in 1635. From him Charles Sumner was descended in the seventh generation, the intervening ancestors in the direct line of descent being Roger, William, Seth, Job and Charles Pinckney. Physically the Sumners were large, broad-shouldered, deep-chested men, noted for their fine personal appearance as well as for strength, activity and power of endurance. Generally they were farmers and landowners. Increase Sumner was a member of the family. He was honored by the State of Massachusetts with a seat on her Supreme Bench and the office of Governor. His predecessors in the latter office, Adams and Hancock, had been crippled with age and the gout, but as Sumner in 1797 passed from the Old South Church, after the election sermon, his form caught the eye of an old apple woman who with honest admiration exclaimed: "Thank God, we have at last got a Governor that can walk"! Major-General Edwin

V. Sumner, who served with distinction in the Mexican and Civil Wars, was the grandson of Seth Sumner. The family has shown a taste for intellectual pursuits. From 1723 a long line of them appears enrolled among the students of Harvard.

Job, the grandfather of Charles, was there pursuing his studies at the commencement of the Revolution but the news of Lexington appealed so strongly to the boy, that he enlisted in the army, where he continued until the close of the war, attaining the rank of Major. He served at Bunker Hill, at the siege of Boston, on Lake Champlain, at West Point and New York. At West Point he commanded the guard over Major André a part of the time he was under sentence of death. He never returned to College, but in consideration of his part in the war, he was, two years after its close, voted by the authorities of the College the degree of Master of Arts, which entitled him to registration among the alumni. In 1785 he was appointed by Congress a commissioner to adjust the accounts between the Confederation and the State of Georgia, in which capacity he served until his death in 1789. He was voted for as Governor of Georgia by the Legislature of that State, but failed of an election by a few votes. He was stricken with a fever in the South and having partially recovered started for home, but suffered a relapse complicated with other disorders and died, on the way, in New York City, at the age of thirty-five. He was buried in St. Paul's Churchyard on Broadway. He was borne to his grave by eight officers of the Revolutionary War, attended by a regiment of artillery. His funeral was attended by the Vice-President, Secretary of War and the Senators and Representatives in Congress of Massachusetts, New York being then the seat of government. He was five feet, ten inches tall, stoutly built, quick in action, a frank, generous, soldierly man, fond of society and his friends, faithful to his trusts, a friend of education and a lover of good books. He left an estate in land and government securities valued at about twelve thousand dollars.

At the time of his death his son, Charles Pinckney Sumner, the father of Charles Sumner, was a student at Phillips Academy at Andover, Mass., Dr. Seth Sumner, the brother of Major Sumner, became his guardian. Several letters from the father, still preserved, show his solicitude for the education and right training of the boy, from whom according to the means of travel of that day he was so widely separated. This education under the care of his uncle went on without interruption after his father's death. Charles Pinckney remained at Phillips Academy until 1792 when he entered Harvard College where

he graduated in 1796. He was a classmate of John Pickering, the author of Pickering's Greek Lexicon—the same John Pickering who was commemorated by Charles Sumner in a biographical sketch published in the Law Reporter of June, 1846, and in his oration on "The Scholar, the Jurist, the Artist and the Philanthropist," delivered at Harvard College in August of the same year. A friendship also sprang up between Charles Pinckney Sumner and Joseph Story during their college days, though the latter was two years behind him in the course. It continued unbroken until the death of Mr. Sumner.

The year after Charles Pinckney Sumner's graduation he spent in teaching and the next in a visit to the West Indies. He then commenced the study of law and was admitted to the bar in 1801. He commenced the practice of his profession in Boston. Though well read and an industrious man he did not succeed. His business was confined to the collection of small bills and office work and it was only with the closest economy that it yielded his family a subsistence. He had no influential antecedents to open a place for him and was perhaps wanting in that vigor and versatility of intellect which fits men for the more lucrative kinds of practice.

His want of success led him to seek other employment. He was twice chosen Clerk of the House of Representatives of Massachusetts, first for 1806-7 and again for 1810-11. During the last term his friend Joseph Story was Speaker of the House and resigned to become a Justice of the Supreme Court of the United States. He left the bar in 1819 to accept the place of Deputy Sheriff of Suffolk County, which paid him less than a thousand dollars a year and he retained this office until 1825 when Governor Lincoln appointed him Sheriff. His income from this office was from two to three thousand dollars a year and he held it by successive appointments for thirteen years and seven months and until within a few days of his death. He was by this means enabled to maintain his family in greater comfort and at last to leave an estate worth fifty thousand dollars.

He was the friend of temperance and the public schools. He was an ardent opponent of Masonry and having when a young man belonged to the order and become a master-mason he incurred much ill-will among its members by an exposure of the secrets which he had thus learned. While Sheriff he witnessed the pro-slavery riots of Boston. It was during this time that a woman's anti-slavery meeting was entered and dispersed by a mob of men, while its president was leading it in prayer. During the same time William Lloyd Garrison was seized and after

his clothes had been torn from his body and his hat was cut in pieces he was dragged through the streets of Boston with a rope about his neck until he was rescued by his friends and hurried to the Leverett Street Jail to save him from further violence. Charles Pinckney Sumner, witnessing such outrages, became a strong anti-slavery man. In his school days he had shown opposition to both slavery and war. At a college exhibition in 1795 he read an original poem wherein he expressed the wish that both should cease. He retained his views on these subjects through life and taught them to his children. He did not, however, unite with the Abolition movement. After his appointment to the office of Sheriff in 1825 he studiously held aloof from political discussions, considering them incompatible with the duties of his position. But his known sympathy with the anti-slavery movement caused some of the opposition to his last appointment.

To the duties of his office he devoted himself with scrupulous exactness. He made a study of the law on the subject in England and America and published an article in the *Jurist* pointing out some differences. At one time when he learned that the Supreme Court of Massachusetts was about to announce a decision, casting what he considered an undue responsibility upon Sheriffs in making a levy, hoping before its publication to change the view of the Court he addressed to the Judges a voluminous written argument against it, but without effect. He was the last Sheriff of Suffolk County to wear the antique dress, like that worn by this officer in England. It is said to have comported well with his dignified bearing.

He was of medium height, erect and being slender he appeared taller than he was in reality. He was not a handsome man, but was neat in his dress and in the care of his person. He was scholarly in his tastes and an extensive reader of good books. History was his favorite pastime and he read it carefully with the aid of maps and charts. He was himself an occasional writer of both prose and verse. He loved knowledge and enjoyed cultivated society. He counted among his friends many of the best people of Boston. He was a model of courtly dignity, scrupulously polite, bowing low, touching his hand to his hat and waving it back to his side. He was rigidly conscientious and fearless in the discharge of duty. To the appeals of a culprit kinsman who once sought his kindly interference he sternly answered, "The law must take its course." On another occasion, as Sheriff, he read the riot act to a mob, amid a shower of bricks.

When his opinions were once formed they were seldom changed, regardless of what others might wish he would do what he thought was right. He was faithful in his friendships and remembered a kindness with gratitude. But in his last years he became rigid and cheerless, seldom smiling or entering into the mirth of others and little disposed to form new associates or to adopt new ways or to be influenced by thoughts of the convenience of others. As a father he felt a deep interest in the welfare of his children. He had received a good education himself and he wished to give one to them. He personally superintended their instruction and sought to infuse them with a love for knowledge. But his sombre disposition little accorded with the cheerful moods of children; he was exacting and required prompt obedience in tasks that he assigned them, so that while courting their company his course commanded respect for him rather than love and familiarity.

Charles Pinckney Sumner was married in 1810 to Relief Jacobs. She was born in 1785 and was descended in the seventh generation from Nicholas Jacobs, a native of England, who settled in Massachusetts in 1633. On her mother's side she traced her lineage to William Hersey who came from England to Massachusetts in 1635. On the same side she was also descended from Governor William Bradford. Her father, David Jacobs, Jr., died in 1799, when she was only fourteen years of age. He was a farmer and belonged to a family of farmers, mostly living in Plymouth county, Massachusetts. Relief Jacobs was in Boston earning a livelihood by sewing, when she first became acquainted with Charles Pinckney Sumner. They were fellow boarders at the house of Adams Bailey. They were married in their own home, the house in May Street which they had previously rented and furnished and in which eight of their children were afterwards born.

In person Mrs. Sumner was large, though not fleshy. She had a fine constitution and throughout her long life enjoyed excellent health. She was abundantly educated in those arts which contribute to the comfort and happiness of a home. The time in which she lived and the circumstances of her childhood had in this respect contributed to the natural bent of her character. During the first fifteen years of her married life, though her husband's income was small and their family large, her prudence and economy enabled them to live comfortably without becoming involved in debt. She never received any other education than that of the common school but her native good sense insured her respect in any society. Her excellent judgment, appreciative disposition and cheerfulness of temper always recommended her.

She was a kind-hearted motherly woman devoted to her children, sympathizing with their trials, but anxious to rear them to habits of integrity and usefulness. She wished them to excel but taught them that success was to be expected from toil and not genius and that no good thing would be withheld from them that walk uprightly. She appreciated the responsibilities of life, was conscientious in the discharge of her duties, a consistent Christian, supporting sorrow with calmness and success with sobriety. Her neighbors spoke of her as "an excellent, kind person"; and her pastor in her last years said: "Mrs. Sumner was a woman of retiring simplicity of life, but of strong and heroic traits of character and those who knew her could trace in the Senator's noblest characteristics a direct inheritance from her."

The best testimonial of her sterling qualities is that of her husband, her daily companion for twenty-nine years, who by his will, after only equalizing some small advancement to his children, gave her their home for life and all the remainder of his large estate absolutely, confiding as he said, "in her disposition to carry into effect his wishes and in her affection for their children, and that she will from time to time and finally by her last will make such disposition of the property given her as justice and the condition of the children shall require." The sequel showed that his confidence was not misplaced for in her hands the estate was doubled in value and then went to their surviving children in equal shares. She survived her husband twenty-seven years and died at the age of eighty-one.

## CHAPTER II

### THE YOUTH OF SUMNER—EARLY SCHOOL DAYS—FATHER MADE SHERIFF

THE childhood and youth of Sumner were passed in Boston and its vicinity. It was then a much smaller place than now and its population was more democratic, its citizens associating upon terms of greater familiarity. Its property was then more equally distributed, instances of poverty and of great wealth being less common. Its people have always been marked for intelligence. Then as now the influence of its excellent schools and Harvard College, its favorite seat of learning, in the adjoining suburb of Cambridge was noticeable. The childish rambles of Sumner extended about both places. During his boyhood he made occasional visits to his mother's relatives at South Hingham and to his father's at Dorchester, one we find to Nantasket Beach. It is not probable they ever extended farther, until, in his nineteenth year, with some college friends, he made an excursion on foot to Lake Champlain.

He was not a playful child, nor was he venturesome or mischievous, he was rather of a quiet disposition, obedient and willing to perform the tasks assigned to him. A childish incident, however, is related, which shows he was then, as later in life, tenacious of his rights. Some larger boys one day caught a stick with which he was playing and tried to wrest it from him. But the stick was his; he would not let it be forced away. The harder they pulled the more firmly he clung to it, until at last one of the boys seizing a stone commenced to pound his hands with it to make him let go, but to no avail. He would not yield. They hammered harder, but he kept his hold, until the blood finally appearing from the wounds on his hands, they saw it and ran away frightened, leaving him in the possession of his stick.

The first school he attended was a private one taught by Hannah R. Jacobs, his mother's maiden sister, in an upper room in his father's house. The school was small and furnished only the most elementary instructions. He next entered the West Writing School taught for the public by Benjamin Holt in a building at the corner of Hawkins and Chardon streets.

Here he remained until ten years of age, receiving instruction in the ordinary branches and manifesting no more than ordinary capacity. He was at the same time instructed in writing by a special master. His father's means being limited, it was his intention at this time to give Charles only such an education as would fit him for a place in some store, where he could support himself and perhaps render some aid to the family. He was not therefore to be taught Greek and Latin. But a circumstance occurred which changed his father's intention. Charles with a few pennies, which he had earned, purchased some elementary Latin books from an older boy and commenced to study them. He surprised his father one day by presenting himself books in hand before him and requesting him to hear his recitation. The father was so touched by the seeming instinct of the child that he determined to allow him to commence the study of Latin and Greek.

In August, 1821, at ten years of age he entered the Boston Latin School. This institution has long been held in high esteem by the friends of substantial and accurate scholarship. It was established in colonial days and many eminent men have been among its pupils. Its course of study at this time was the one usually pursued in preparatory schools, save that it was longer, comprehending more than was required for admission to Harvard. Its principal instructors were Benjamin Gould, its Master, and Ludwick P. Leverett, the teacher of Latin. The latter, a very thorough teacher, afterwards became the author of Leverett's Latin Lexicon. It was to his well-directed efforts that Sumner owed much of his proficiency in Latin and Greek. He continued under the instructions of these teachers until 1826, the prescribed course of study requiring five years. There were in the school at this time, though in different classes, two boys with whom he was afterwards to be conspicuously associated,—to one as the apologist of slavery and to the other as its determined opponent. They were Robert C. Winthrop and Wendell Phillips. Sumner's standing in his class, though respectable did not indicate any remarkable talent. In 1823 he received a prize for his good conduct. In 1824 he took a third prize for Latin translations and in 1826 he took second prizes for a Latin poem and an English theme. At his graduation he received one of the six Franklin medals which were presented to his class.

His superiority appeared more in conversation than in his recitations. His taste for reading, which afterwards became marked, was acquired at this time. He occupied many of his leisure hours in this way. He read with interest books which

are thought suitable for adults. And he read them so carefully as to be able to discuss their contents with persons older than himself in a way which sometimes excited the wonder of his playmates. In 1825, at the age of fourteen, he had read enough English History to be able to write with accuracy a compendium of it, eighty pages long, covering the whole period from the Conquest by the Romans to 1801. The next year he read Gibbon's History of the Decline and Fall of the Roman Empire, a copy of which had been given him as one of his prizes at the Latin School. He also read a history of Greece.

One of his playmates at the Latin School relates a story which illustrates his proficiency in Geography. This was not among the requirements for admission to the Latin School nor was it in its prescribed course of study. An ill-natured teacher thought to put him down one day for his ignorance of it. Sumner boldly declared he would answer any question the teacher could ask him. The teacher hunted out what he supposed to be a very difficult question and put it to him and he answered it correctly without a moment's hesitation.

In personal appearance Sumner was at this time tall and slender, awkward in his movements, with a face not handsome. His constitution owing to the rapidity of his growth was not strong and caused his friends some anxiety. He cared little for sports and seldom took part in them. He was retiring in his disposition, studious and found diversion chiefly in books. Without much humor he was yet a great talker and his kindly disposition made him a favorite with his playmates. He was liked by his teachers, submitted cheerfully to their discipline, obeying their rules and performing the tasks assigned him promptly. He was correct in his deportment, had no bad habits, did not swear and discouraged profanity in others. He was thoughtful, considerate and conscientious.

On the sixth day of September, 1825, Governor Levi Lincoln appointed his father Sheriff of Suffolk County, Massachusetts. This event changed the father's circumstances. He was now placed in a position of comparative affluence and the rigid economy which had thus far regulated his family was no longer imperative. He always remembered the appointment with gratitude and ten years afterward characterized Governor Lincoln as his greatest earthly benefactor. The event coming as it did at such an opportune time in the life of the son, just before finishing his course at the Latin School, and with the certain prospect of the continuance of good fortune for some years to come, changed the father's purpose as to the career of his son. A month before, we find him seeking admission for him to a

military school at Middletown, Conn., where, by his labor he might defray his own expenses. About this time he asked the Secretary of War to appoint him to a cadetship in the Military Academy at West Point, where his relative, Edwin V. Sumner, had graduated. Both were probably suggested by his limited means for the views of neither father nor son on the subject of war would have induced them to seek a military education for him. While the father wished to give all his nine children a useful education, before this appointment came to him he frankly confessed his means enabled him to think only of usefulness.

To this appointment and the incident of the Latin books, Charles Sumner owed his education and to that education the achievements of his life. Without these things, mere accidents as they seem, he might have been a clerk or a respectable merchant, but the talents which gave him eminence, buried in a counting-room would have been lost. It is touching to reflect how much in this world depends on little things, Columbus, heart-sick, burdened with poverty and oppressed with disappointments, abandoning Spain in despair, when he stopped at a convent to beg for bread and, attracting the attention of the prior, was enabled to secure the interposition of the Queen in fitting out an expedition to discover America; Shakespeare apprehended in poaching upon his Lordship's game-preserve, and Stratford lost an indifferent wool-comber, but the world gained an immortal poet.

## CHAPTER III

ENTERS HARVARD COLLEGE—DISLIKE FOR MATHEMATICS—DEPARTMENT—POPULARITY—FRIENDS—EXCURSION TO LAKE CHAMPLAIN—SOCIETIES—PRIZES AND STANDING

AND so it was settled that Charles should go to Harvard College. He entered September first, 1826. Time has wrought many changes in the college since then. Its undergraduates have more than quadrupled in number and there has been a corresponding increase in the faculty. Some of its halls then standing still remain but they have been refitted and are now the least valuable part of its property, its best buildings having since been erected. It now ranks as the oldest and one of the wealthiest seats of learning in the land. It was then Harvard College; it is now Harvard University. The schools of theology, medicine and law, though some steps had been taken towards their establishment, may be said to be the work of later years. Many of the names which have given luster to its faculty have since been added,—Story, Greenleaf, Parsons, Quincy, Everett, Felton, Longfellow, Holmes, Agassiz. They were men of high culture and broad intelligence and have stamped their character upon the institution. The course of study is enlarged and its requirements are more exacting but more reasonable. Its students are no longer required to continue studies for which they have neither taste nor capacity. Since the school days of Sumner the elective system has been introduced which offers them greater freedom in the choice of studies suited to their purpose, without injury to their class standing.

The old system was ill-suited to such minds as his. Sumner had no taste for mathematics. His want of capacity for such studies created a dislike for them and the necessity of mastering them imposed by the requirements of the course increased this dislike to a feeling of disgust. During a recitation one day, the Professor asked him a question, when with characteristic candor he replied, "I don't know. You know I don't pretend to know anything about mathematics." "Mathematics, Sumner! Mathematics!" exclaimed the teacher, "Don't you know the difference? This is not mathematics. This is physics." A laugh from the class followed, at Sumner's expense. The farther he

advanced in the mathematical course, the greater his difficulties became. At last, in preparing his recitations he is said to have accustomed himself to commit whole problems and demonstrations to memory, being unable to follow the course of reasoning. The examinations he of course dreaded. In 1829 writing to a classmate, he said: "Brown went home and escaped the mathematical examination. That I attended. All I can say about myself is, *gratia Deo, I escaped with life.*"

This deficiency of Sumner affected his position in his class. A high standing in our American colleges depends more upon making a fair recitation every time in every study, than upon making a brilliant recitation sometimes in some study. When Sumner entered college he had hopes of reaching distinction in his class and he strove to do so, but this deficiency in mathematics soon blasted these hopes and thenceforward he studied such textbooks as he liked and neglected others.

But notwithstanding his carelessness of class standing he was, as a student, industrious and obedient to the rules of the college. He allowed himself little time for rest and recreation and was usually to be found in his room at work. There were of course some playful exceptions. Once during his Freshman year, with his classmate Bemis, he left the college, without permission, to go to the Brighton cattle show. Upon arriving at the fair, among the first persons the boys met were their fathers, who had likewise been classmates at college. Upon being asked by their fathers how they came there and why they had broken the college rules by leaving without permission, they apologized for their conduct by saying that they wished to come to the fair and thought there could be no harm in doing so as they would miss no recitation by their absence. The fathers made no farther objection but advised them to return at once. Mr. Sumner, however, taking young Bemis aside asked him how Charles stood in mathematics. "Very well, indeed, sir," said he, with unquestionable fidelity to his classmate. "I am glad to hear it," said Mr. Sumner. "He is doing better than I did. I let drop the links and lost the chain and have never been able to take it up again."

We find also one other breach of the college rules, more a joke, however, than a defiance of authority. The rules prescribed the dress of an undergraduate and among other things, if a summer vest was worn it was to be white. Sumner wore a buff-colored one. He was warned by the college authorities that he was violating the rule. He replied that his vest was white or near enough so to comply with the regulation, and continued to wear it. The admonition was repeated again and again but

Charles maintained that his was a substantial compliance with the rule. At last the authorities gave it up, not, however, until they had vindicated their offended authority by adding a small fine to his term bill by way of punishment.

Sumner was a favorite with his classmates. At this early age he showed that polite consideration for the feelings of others which became characteristic of him in maturer years. He was upright and honorable in his conduct and was disposed to put the same construction upon the motives of others. There was nothing morbid in his disposition; he enjoyed a well-timed joke, would willingly play a game of chess or cards and was always ready to do a kindness for a friend. It would be hard to find one more devoted to his friends than he was. As he had always lived in Boston and had been five years in the Latin school, his circle of acquaintances in college was larger than that of most of his classmates. He did not confine his friendship to one class. With little distinction he mingled with the members of every class both in their rooms and in their recreations. For what is known as society he cared nothing and though his connections in Boston and Cambridge afforded him opportunities for entering it, unlike most boys he does not seem to have cared to improve them. He preferred to be with those who had aspirations and sympathies like his own.

His most intimate college friends were John W. Brown, Jonathan F. Stearns, Charlemagne Tower, Thomas Hopkinson, John B. Kerr and Barzillai Frost. The first two were his chums, Stearns in his freshman and Brown in sophomore and senior years. The former afterwards entered the ministry, the latter studied law. Of them all, he was most intimate with Brown. His buoyant spirits, his energy amounting almost to violence, his independence of thought and action, his wayward disposition, delighting in the works and the character of Byron, had a peculiar fascination for Sumner. They remained friends through life, corresponding after graduation, together again at the Law school, members of the same bar, Sumner after Brown's death in 1860 writing a sympathetic tribute to his memory.

In his junior year together with three classmates he made an excursion on foot to Lake Champlain. This is the first evidence of that love of travel which afterwards developed itself. It seems like the first promptings of a restless energy characteristic of the family.

The boys started on the fourteenth of July, 1829, going first to Amherst where they arrived, weary and foot-sore on the evening of the third day and immediately refreshed themselves with the prayer in the college chapel. Afterwards they viewed

the college buildings and enjoyed the fine prospect of the surrounding country from the chapel tower. The next morning they started to ascend Mt. Holyoke and having lost their way, in the by-paths of the mountain, they turned their faces directly towards the summit, pushing through brambles, clambering over rocks, crawling around precipices, often in danger of their lives until they reached the top at last. Their efforts were rewarded by the magnificent prospect which lay before them, "with river of silver, winding through meadows of gold." From Mt. Holyoke they went to Deerfield and Bloody-Brook, scenes of Indian warfare and massacre, thence to Bennington, passing the night on the battlefield of the Revolution where the cause of the colonists began to brighten. Pursuing their way, they reached Ticonderoga at last, having travelled two hundred and three miles in nine days. On their return they passed through Saratoga to Albany, pausing at the former place to view the scenes of Burgoyne's defeat and surrender. At Albany, Sumner parted company with Babcock, the last of his companions, the others, Frost and Munroe, unable to keep up, having long before been left behind. From Albany Sumner pursued his journey alone to New York, travelling by boat and stopping on the way a few hours at both Catskill and West Point.

This was his first view of the Hudson, then as now famed as one of the most beautiful rivers of the world. He found it even thus early carrying on its broad, still flowing waters, crowds of tourists, among hills and valleys and mountains of surpassing loveliness. Its shores are dotted with scenes of historic interest recalling the struggles of the settlers with the Indians and later with the British. The whole region is enveloped in a halo of legend and song such as gathers around no other part of our country.

Sumner kept a journal of his trip in which he records the events and impressions of each day. It is fullest when dwelling upon these scenes made memorable by the struggles of the colonists with enemies who were loath to give up such a fair possession. Extracts from this journal were afterward published in a Boston paper, the first of his writings to appear in print save an essay on the English Universities, which antedated the other by a few months.

This essay was read to "The Nine," a college society which he together with eight of his classmates organized in their senior year. It was a secret association for mutual improvement, receiving its name from the number of its members and meeting weekly in one of their rooms. In his Junior year

Sumner became a member of another society, "The Hasty Pudding Club."

In his Senior year he contended for the Bowdoin prize, given for excellence in English composition. The subject assigned was, "The present Character of the Inhabitants of New England as resulting from the Civil, Literary and Religious Institutions of the First Settlers." His essay was signed, "A Son of New England." He received the second prize, thirty dollars, and invested it in books. Among them was a copy of Shakespeare's Works which he kept afterwards upon his table, ready for use. On the day of his death it was found there open with his mark between the pages, where he had just noted with his pencil the passage in "Henry, the Seventh."

"Would I were dead, if God's good will were so,  
For what is in this world but grief and woe."

At the Junior Exhibition of his class, he performed the part of the "orator" in a Greek dialogue. At the Senior Exhibition and also at commencement, he had parts in conferences, his being respectively, "Bonaparte as a statesman and soldier," and "The Religious Notions of the North American Indians." He seems to have been dissatisfied with the places assigned him on these occasions and wished to decline them and would probably have done so but for the earnest protest of his father. Though the places were not such as his classmates thought he deserved, they were probably all his standing warranted.

In his class Sumner excelled in the humanities and in declamation and composition. His performances of that time resembled his later works, though marked with less strength and accuracy in the use of words. In public speaking he had the same earnest yet subdued manner which afterward seemed to impress his audiences with the thought that he had a greater power in reserve than he cared to wield. In proficiency in the languages he had few equals among his classmates. He was well instructed in the rudiments of these studies in the Latin School and the high rank he took in them at his entrance to college, he maintained through the course. He entered so much into the spirit of them that many passages of the books he read were impressed upon his memory and were ready for use when a happy opportunity for quotation occurred. The fluency and diction of his translations impressed his classmates. He enjoyed these studies but his proficiency in them was the result of careful study.

His diligence, in such studies as he enjoyed, is illustrated by something which occurred in his sophomore year. In the

months of February and March, he attended lectures delivered by Professor Ticknor on French Literature. Sumner took such an interest in them that at the close of each lecture he wrote out so much of it as he could remember and then at the end added an index to the whole course. His notes were so voluminous as to occupy one hundred and fifty pages of his notebook. Such industry produced its natural result and had it not been for his failure in mathematics it is fair to conclude that he would have been among the first scholars of his class. It is impossible now to tell what his class standing really was, the scales by which it is determined having been lost or destroyed. His class contained forty-eight members and he probably stood between the twentieth and twenty-fifth.

Because he did not take a higher position, he has been pointed to as an illustration of the error, as pernicious as it is erroneous, that boys of high standing are never heard of after they leave college. The records of every college disprove this. The result attained by a careful examination of the records of five of the most celebrated of our American colleges is that "the conclusion is irresistible that the vast majority of the scholars, the writers, the clergymen, the lawyers and the statesmen who have gained distinction by the work of their life have first won distinction in the college recitation and lecture room. A like conclusion was reached by Macaulay after an examination of the records of the English Universities of Oxford and Cambridge. "It seems to me," he says, "that there never was a fact proved by a larger mass of evidence or a more unvaried experience than this, that men who distinguished themselves in their youth above their contemporaries almost always keep to the end of their lives the start which they have gained—the general rule is beyond all doubt that the men who were first in the competition of the schools have been first in the competition of the world." The college life of Sumner proves the same fact. He displayed in college the same moral qualities, the same proficiency in writing and speaking, the same love of literature as he afterwards displayed in the Senate. The same traits of character which gave him eminence among his classmates gave him eminence among men and in public life.

He was never extravagant. When years afterwards in the Senate he was asked by a friend, why he did not adopt a more luxurious manner of life, he replied, "the nation cannot afford to give me more than six thousand dollars a year and I cannot afford to spend more than she gives." He was not extravagant in college. His four annual term bills average less than two hundred dollars each. He was always of steady purpose.

Though unexpected obstacles might make the attainment of his object more difficult, whatever he undertook he would spare no effort to do. His love of reading which appeared so strong in the Latin School, became stronger during his college course. He spent much of his time in this way, reading widely and well, his memory, always remarkable, enabling him, with little effort, to retain whatever he wished. His favorite author was Shakespeare, from whose writings he was continually quoting from memory. In his senior year he commenced to keep a common-place book, copying into it extracts chiefly from the old English authors and from the current literature of the day. He continued to keep this book; and many of the quotations in his public efforts of a later day are taken from this source. The extent of his reading was remarked by his classmates and not without reason, for at his graduation he had, perhaps, a larger acquaintance with books than any member of his class.

## CHAPTER IV

UNDECIDED AS TO PROFESSION—PRIZE FOR ESSAY ON COMMERCE  
—WORK OF YEAR AFTER GRADUATION—ENTERS LAW SCHOOL  
—INDUSTRY—FRIENDSHIP OF PROFESSORS STORY AND ASH-MUN—ADMITTED TO BAR—VISITS WASHINGTON—CHARACTER

SUMNER graduated at Harvard College August twenty-fifth, 1830. His attachments to the place and to his classmates were strong and he believed his regret at the separation was greater than that of most of the members of his class. This feeling of regret was increased by the uncertainty of his future course. His friends had chosen their professions but he had not. Brown, Tower and Hopkinson, those with whom he was most intimate, had chosen the law and this was his preference, but the fear of natural unfitness and of failure, caused him many misgivings and left him, at last, undecided. He mistrusted his ability to reach the position he desired in the profession. In these difficulties his father gave him no assistance, but seemed determined to leave him to the freedom of his own choice. He expressed no wish and gave him no advice, doubtless having in mind his own career and thinking that the question was one of immediate concern to Charles alone and that if left entirely to himself he would be more laborious in the pursuit of the profession he chose. But this silence troubled Charles who perhaps misconstrued it. One of his reasons for hesitating to choose any profession, was a desire, almost morbid, to save his father any farther expense on his account. For this reason he sought, though unsuccessfully, the position of usher in the Boston Latin School.

The first year after his graduation was spent at home pursuing a course of private study. We find him taking a sterner view of life. With real candor, he wrote to his classmate: "Tower, you and I are both young and the world is all before us. You are ambitious I know, and I am not ashamed to confess, though 'by that sin fell the angels,' that I also am guilty. We are then fellow laborers in the same field, we are both striking our sickles at the same harvest. Its golden sheaves are all pointing to you. You have been laborious and I have not. I

have trod the primrose and you the thorny path.—There is no railway to fame. Labor, labor must be before our eyes, nay more, its necessity must sink deep in our hearts. This is the most potent alchemy to transmute lead to gold."

During this winter the Boston Society for the Diffusion of Useful Knowledge offered a prize to the minor who would produce the best essay on a subject relating to trade, commerce or manufactures. The essay was to be presented to the committee by January first, 1831. A short time before the day specified Sumner determined to contest for it and accordingly prepared and presented an essay on Commerce. On the first day of April following he was declared the successful competitor. The decision was announced by the President of the Society, Daniel Webster, at the close of a lecture, on the evening of that day. Sumner was asked to come forward and receive the prize, Lieber's *Encyclopedia Americana*, valued at thirty dollars. He did so and was taken by the hand by Mr. Webster and kindly complimented and assured that his country had a pledge of him.

As has already been remarked, Sumner revealed in college a talent for composition and declamation and in such work ranked among the best in his class. He was now showing a decided interest in these subjects and his letters of the time contain frequent allusions to the oratorical displays he witnessed and to the triumphs of the orators. It was the gradual awakening of the latent spirit of the coming man. He was especially attracted to the great orator of the Boston of that day, "the huge leviathan of New England," as he called him, Daniel Webster. More than four years before, Mr. Webster delivered in Faneuil Hall his eulogy on Adams and Jefferson. Sumner, then a mere boy in the Latin School, wedged his way into the throng, just in time to hear the supposed speech of John Adams, considered by those who heard it, the finest passage of the oration. It left an enduring impression on the boy. In the October previous to taking the prize for his essay on Commerce, he had gone on two successive evenings to Faneuil Hall to hear Mr. Webster discuss the tariff question and about the same time he went to Salem to hear his argument in the trial of Joseph J. Knapp for the murder of Stephen White.

These, however, were diversions. At the beginning of the year, fearful that he might be tempted to waste his time, Sumner prescribed a course of study for himself. He thus described it to a classmate, "a course of mathematics, Juvenal, Tacitus, a course of modern history, Hallam's *Middle Ages*, Roscoe's "Leo" and "Lorenzi" and Robertson's "Charles Fifth," with indefinite quantities of Shakespeare, Burton, Brit-

ish Poets, etc., and writing an indefinite number of long letters. I have doomed myself to hard labor and I shall try to look upon labor as some great lawyer did, as pleasure—"Labor ipse voluptas," Sumner showed that he was not afraid of labor, by voluntarily undertaking the study of mathematics. Though so little to his taste, he studied them faithfully, during part of the year devoting four hours each day to geometry alone. With such application he succeeded, but he still found them a disagreeable study. "I am now digging among the roots of Algebra," he wrote to a friend, "and believe your opinion will bear me out, when I say that these roots when obtained are but bitter."

He, however, completed the course he prescribed. He read besides, in Latin, Persius; and in English, a number of books, among which was the "Correspondence of Gilbert Wakefield with Charles James Fox, chiefly on subjects of Classical Literature." But at the close of the year he looked back with dissatisfaction. "The latter part of this year," he wrote, "has been given up to unprofitableness. I have indeed studied or passed my eyes over books, but much of my time and almost my whole mind have been occupied with newspapers and politics." Freemasonry was then agitating the public and this subject, which he was attracted to by his father's interest in it, he gave too much time.

But the commencement of another year brought a change. He determined to study law and on the first of September, 1831, he entered the Law School of Harvard College. Newspapers and politics were dismissed. The latter he so much forgot as shortly afterwards to congratulate a Professor upon his election to the State Senate, not knowing that he had just been defeated. His choice of the profession of law was made after much hesitation and without enthusiasm, but his ideal was high and he determined to be satisfied with no inferior position.

He wrote to his classmate Stearns: "I had rather be a toad and live upon dungeon's vapor than one of those lumps of flesh that are christened lawyers and who know only how to wring from quibbles and obscurities that justice which else they never would reach, who have no idea of the law beyond its letter, nor of literature beyond their term Reports and statutes. If I am a lawyer I wish to be one, who can dwell upon the vast heap of law matter as the temple in which the majesty of right has taken its abode, who will aim beyond the mere letter at the spirit, the broad spirit of the law and who will bring to his aid a liberal and cultivated mind. Is not this an honest ambition? If not, reprove me for it. A lawyer is one of the best or worst

of men, according as he shapes his course. He may breed strifes or he may settle the dissensions of years. But when I look before me and above me and see the impendent weight,—*molem ingentem et perpetuis humeris sustinendam*,—I incontinently shrink back. Book peers above book and one labor of investigation is gone through with only to show a greater one,—‘what man has done, man can do’ and in these words is a full fountain of hope. And here again Burke, ‘There is nothing in the world really beneficial that does not lie within the reach of an informed understanding and a well-directed pursuit. There is nothing that God has judged for us that he has not given us the means to accomplish, both in the natural and moral world.’ What a sentiment, how rich in expression, how rich in truth. But such results cannot be accomplished without labor, systematic and well directed. I am determined that if health is continued to me, lack of study shall not be laid to my charge. *Study is my talisman.*”

Sumner divided his time, forenoon to law, afternoon to classics and evenings to history and subjects auxiliary to law. Two o'clock in the morning was his usual hour for retiring to rest. He roomed at number ten, Divinity Hall, and later in Dane Hall, retired parts of the college, working hard, allowing himself little time for rest and recreation, having few associates, taking little exercise, seldom out of his room at nights. This severe application troubled his friends, who feared that his constitution could not sustain such drafts as he made upon it, a tendency to consumption being hereditary in his family.

Though his course of reading while in the Law School was large, he gave especial attention to the prescribed studies, reading carefully the notes and many of the cases referred to in his textbooks. He continued his habit of common-placing and copied into his note-book the definitions given in some parts of Blackstone's Commentaries. His teachers were impressed with his remarkable memory and the facility with which he recalled the results of his reading.

In 1832 he was appointed librarian of the Law School and in this capacity he soon became so familiar with the library as to be able to find any book on its shelves, in the dark. The textbooks in it he familiarized himself with, so that he could give a summary of the contents of almost every one of them, together with a brief biographical sketch of the author. It was owing to these circumstances that even thus early, his assistance was occasionally sought by practising attorneys in the preparation of their briefs. He continued librarian during the remainder of his course at the Law School. The last year he prepared a

catalogue of the library with a brief sketch of its origin and growth, for which he was paid by the corporation.

In 1832, Sumner competed successfully for another Bowdoin prize. From a number of subjects proposed, he chose this: "Are the most Important Changes of Society effected Gradually or by Violent Revolutions"? He chose this subject because his previous historical reading would enable him to discuss it intelligently without special preparation or interruption to his prescribed studies. His performance, more than fifty pages in length, was commenced about a fortnight previous to the day specified for its presentation and was written in the intervals of time at his command. It bears the marks of haste and is not superior to the performances of young men of his age. He argued that the most important changes of society are effected gradually and that such revolutions are to be encouraged, but that violent ones are not.

He was also during the last year of his connection with the Law School an occasional contributor to periodicals. An article in the American Monthly Review on "Impeachments" and another in the American Jurist, a review of a lecture by Professor Parke on Courts of Equity were favorably spoken of at the time. The latter is referred to by Judge Story in a note to his "Equity Jurisprudence", with the remark that he "knew not where to refer the reader to pages more full of useful comment and research".

Sumner was at this time the president of a temperance society established among the students. It seems to have been a trait of his character to be strongly attracted by any movement which could surround itself with the charm of novelty. Previous to this he had warmly supported the anti-masonic movement; later in life we find him equally earnest in the cause of universal peace, universal freedom and universal suffrage. Age had no charm for him. For one situated as he was destined to be it was perhaps well; but for men in ordinary times it should have more.

Sumner's application while a student at the Law School soon attracted the attention of his professors, Joseph Story and John H. Ashmun. The former, the author of works on commercial and constitutional law, was also one of the Justices of the Supreme Court of the United States. He and Sumner's father while students together at Harvard had been friends. This friendship, never interrupted, first brought Charles to Story's attention. There has seldom been a more beautiful relation between teacher and pupil than that which thus commenced. It was interrupted only by death. The simplicity and purity of

Sumner's character, his appreciative disposition, his enthusiasm, his love for knowledge, the extent of his reading and his capacity to retain what he read, his ambition in his chosen profession, the earnest effort he made to realize it, all appealed to Story's love for young men. He came to regard Sumner almost as a son. He directed his studies, advised his reading, welcomed him to his home, his fireside and his confidence.

If Story sent books from Washington for distribution, it was Sumner's hand which delivered them. If Story's place at the Law School was vacant it soon became Sumner's duty to fill it. If Story's son wanted a playfellow, it was Sumner who was always willing to interest or instruct him. After Sumner was in his grave and this boy, man-grown, was left to record the friendship, it is touching to read his recollection of it, which seems so tenderly to draw aside the veil from this scene of happy boyhood, hallowed by the touch of death. Everything about it seems sacred, the books they exchanged, the passages they read, the stories they told, their amusements, all are tinged with that tenderness which only the grave can add, mingled with thoughts of childhood and innocence and friendship and fidelity. As Sumner over the grave of Story, the father, wrote his "Tribute of Friendship", so Story, the son, over the grave of Sumner added his "In Memoriam". The influence of Story on Sumner's character was handed on by Sumner to Story's son. It is difficult to measure this influence. Sumner's respect and admiration for Story now were almost boundless. For many years he was his ideal and a better ideal for an ambitious young man it would be difficult to find.

Joseph Story was born at Marblehead, Mass., in 1779, graduated from Harvard College in 1798, was admitted to the bar and rapidly rose to eminence in his profession. In 1809 he entered Congress, but declined a re-election and was returned to the Legislature of Massachusetts of which he became Speaker in 1811 and then resigned this office to become one of the Justices of the Supreme Court of the United States. This position he filled until his death in 1845. He ranks as one of the ablest men that ever had a place upon the bench. He was a man of great industry and of unusual mental vigor. Besides the great work of his office he was the author of numerous treatises, and published reports of his decisions on the circuit, and was the leading spirit in organizing and conducting the Law School of Harvard College. As a jurist and exponent of constitutional law he stood in the front rank, not only in his own country, but also in Europe. And as a lecturer and the author of occasional addresses he showed high literary ability. But

with all his great work, he never lost his naturalness, his approachableness, his eager thirst for knowledge and his vivacity of spirits which made him so attractive to young men. His ready wit and the contagious heartiness of his laugh were as marked as the purity and high purpose of his life.

Sumner's controlling ambition from the time he had studied law sufficiently to fix a plan in life, until 1845, was to be a jurist. He never appears to have been fitted or disposed to engage in wrangling disputes at the bar. Guided by Story's example, his aspiration was to occupy the position of a judge or a professor in the Law School; and be known as Blackstone, Puffendorf and Kent are known.

Much friendship was also shown by Professor Ashmun for Sumner. Ashmun being younger than Story, his relation to Sumner approached nearer to intimacy. Sumner seeing him approach one day quietly remarked to a fellow student that he was going to get a compliment from the Professor. When he came up Sumner politely offered him a chair, and after the usual salutations and a little other talk, commenced: "There is a lawyer down at the Cape who says he can beat any man in the State pleading, but that Ashmun". And then, with a look of despondency, added: "But as for me I can't plead. I don't know anything about it". And then stopped for the expected compliment. But the Professor answered: "No, you don't know anything. And what is more, you never will".

Ashmun's health, though he was a young man, was even at this time broken. He died soon after of consumption, Sumner alone being with him at the time of his death, his nurse for the night. During the same period Sumner met with a nearer loss by death. His twin sister Matilda died March sixth, 1830, also of consumption. Professor Ashmun was succeeded by Simon Greenleaf.

Sumner left the Law School in December, 1833. He intended to leave earlier, but remained at the suggestion of Judge Story. He wished to gain a more accurate knowledge of the practice and for this purpose in January, 1834, he entered the law office of Rand & Fisk in Boston. Benjamin Rand under whose immediate tuition he was, had a high standing at the bar for judgment, integrity and learning, qualities which make an able counsellor, but he does not seem to have aspired to distinction in court practice. He was an intimate friend of Judge Story whose calls at the office during the unoccupied portion of their time were always occasions when Sumner became a willing listener to the conversation. Sumner gave attention chiefly to the details of office work. He also continued his con-

tributions to the American Jurist and, in the following May, became one of its editors. He was admitted to the bar in September, 1834, at Worcester, there being no court in session at that season of the year in Boston competent to grant admissions.

From the middle of February to the beginning of April, 1834, Sumner's studies in the law office were interrupted by a visit to Washington, undertaken at the suggestion of Judge Story. He devoted his attention while there chiefly to the Supreme Court, but also gave some to Congress. The former was then the scene of discussion of questions which have since been appealed to other tribunals and are now incorporated in our political history. In the Senate, in 1852, when advocating the repeal of the Fugitive Slave Law, Sumner, in referring to this visit, said: "Among the memories of my youth are happy days when I sat at the feet of this tribunal, while Marshall presided, with Story by his side".

Congress then had under discussion the National bank question, which attracted so much attention, during Jackson's Administration. Neither before nor since have there been three such men there to discuss any question as Webster, Calhoun and Clay who were there then in their prime. Sumner admired the attainments of all of them, but especially the graceful and forcible eloquence of Clay. A card from Mr. Webster secured him a seat on the floor of the senate whenever he wished to occupy it.

Judge Story opened the way for him to every circle and enabled him to make some valuable acquaintances. Sumner met the Reporters, Wheaton and Peters, he dined with the Judges of the Supreme Court and received marks of attention from Chief Justice Marshall, whose greatness and simplicity impressed him. He there met for the first time, Rufus Choate and Francis Lieber. With the latter he became an intimate friend and a frequent correspondent. On his return home he stopped a few days in Philadelphia, visiting the Reporter, Peters, at his home and enjoying some other hospitalities. In passing through New York on his journey to Washington he had been introduced by a letter from Professor Greenleaf to James Kent, the author of the Commentaries on American Law.

He returned to his profession with more love for it and a greater dislike for politics, little thinking what an arena Washington was to be for him. On leaving there, he wrote to his father: "I probably shall never come here again. I have little or no desire ever to come again in any capacity. Nothing that I have seen of politics has made me look upon them with

any feeling other than loathing. The more I see of them the more I love law which I feel will give me an honorable livelihood. Mr. Peters, who has treated me with great friendship, told me when I was remarking to him as above, that before 1840 I should come on to Washington (if I were willing) to argue some causes in the Supreme Court. This anticipation, flattering of course, was dictated undoubtedly by Judge Story's friendly recommendation of me. However, I do not presume to indulge any such anticipations. When indulged by others I let them pass for what they are worth."

Sumner's personal appearance at this time presented a remarkable contrast to that of his maturer years. He was six feet and three inches tall; but weighed only a hundred and twenty pounds. He was stooped in his carriage and awkward in his movements, sprawling rather than sitting in a chair. His hair was of dark brown color, his eyes blue but usually inflamed by excessive use, his features were rough, his complexion sallow and indicated a want of sufficient exercise. Nothing redeemed his face from ugliness, but a beautiful set of teeth and a winning smile which generally secured for him a favorable impression at the first introduction.

He was careless of his general appearance and gave little attention to dress, in this respect differing from his taste in later years when he became somewhat particular in the choice of clothes. He had little imagination, no humor and cared nothing for athletic games. He was conscientious in his conduct, but not religious; he believed in God, but seemed to have doubts, which later in life were removed, of the divinity of Christ. He had decision of character and steadiness of purpose to accomplish a desired end. His qualities of mind and heart easily secured him friends. His hearty laugh, his appreciative disposition, his kindness, always ready to do a favor for a friend, the charm of his conversation, his scholarly aspirations, his freedom from sham, his real worth, were qualities which recommended him among men.

To women he seemed to be indifferent. He would at any time turn his back upon the loveliest girl to talk to some man who could tell him something of interest. This trait of his character was so noticeable that his friends would occasionally lay wagers with sprightly and interesting girls that they could not keep him at their side a quarter of an hour. Notwithstanding every art they could employ the girls usually lost their bets. Men he liked best, though he appreciated sensible and intelligent women not, however, because they were women, but because they had traits of character which he admired.

## CHAPTER V

### LAW PRACTICE—EDITING THE JURIST—OTHER PUBLICATIONS— INSTRUCTOR IN HARVARD LAW SCHOOL—THE FIVE OF CLUBS

IMMEDIATELY upon his admission to the bar, Sumner commenced the practice of his profession in Boston. His first case was the defence of a man indicted for sending another a challenge to fight a duel. The trial attracted some attention and resulted in the man being cleared. A newspaper of the following day in noticing it characterized Sumner as "a young gentleman more deeply read in the law than any other individual of similar age". He was associated in the case with George S. Hillard, who was near his own age but had been admitted to the bar about a year earlier. In the November following Sumner and Hillard formed a partnership under the firm name of "Hillard & Sumner". Their office was at No. 4 Court Street. Sumner roomed in the same building with Luther S. Cushing, later the author of "Cushing's Manual of Parliamentary Practice". He took his meals at a restaurant. Hillard had literary tastes and a genial disposition and together they attracted many visitors to their office. Story and Greenleaf were among the number; the latter placed a desk there calling it "our office" and there he met the clients he served during his connection with the Law School.

But visitors were more numerous than clients. Sumner's success was not what he desired nor such as his laborious preparation for the profession had justified him in expecting. The number of his cases was not large and the amount involved in many of them was small. The Jurist and the Law School occupied a considerable portion of his time. Of the former he continued to be one of the editors and in the latter he became an instructor and during a great part of the year spent each alternate day in Cambridge, in that work. These were serious obstacles to professional success, for clients are quick to observe such division of attention. They prefer an attorney who is always to be found at his desk, ready to serve them with singleness of purpose. Sumner thus easily drifted away from his office. It was his ambition to be a Judge, an author or a

teacher, in his profession, rather than a practitioner and he came to prefer such work as the Jurist and the Law School required.

His associates in the work of editing the Jurist were Hillard and Cushing. It was as its name indicates a legal periodical, published monthly in Boston and always maintained a good standing in the estimation of the Bar of the State. It numbered at this time among its contributors some men who have since gained a wide reputation, as writers upon legal subjects,—Simon Greenleaf, author of the "Law of Evidence", Theophilus Parsons, author of the "Law of Contracts", Theron Metcalf also the author of a work on "Contracts" and Willard Phillips, author of a work on "Insurance".

A large share of the work of editing the Jurist fell to Sumner. It is not now possible to determine, with accuracy, his contributions, but many of them are distinguishable, the longer ones being marked with his initials, and the shorter ones, by references to them in his correspondence and by peculiarities of style. They are all carefully written and show the author's familiarity with literature, but one thing is noticeable of them, they are not upon strictly legal subjects. He preferred to write upon the literature of the law rather than upon the law itself. His articles are historical sketches of libraries and law schools, reviews of legal publications, propositions for legal reform, rather than upon the law of real property, agency, promissory notes, etc.

His ability and industry now recognized, were sought for in other directions. During 1835 and 1836 he edited "Andrew Dunlap's Admiralty Practice". The author, the U. S. District Attorney for Massachusetts, had just completed the text of the work when he was seized by disease with such violence that he was compelled to resign his office and almost entirely refrain from labor. He was deeply interested in his book and longed to complete it. His inability to do so led him to ask the assistance of Sumner, whose fitness for the work he recognized. Sumner promptly undertook it but found it an arduous task. The text had to be revised, the notes written, the practical forms added, the index prepared and the work carried through the press. Much of it had to be done under the jealous eye of the author who now felt that this book would be his only claim to the consideration of posterity. Sumner gave his time freely to the work. The practical forms which are a considerable and valuable part of the book, he contributed to it himself. Where they could be found, he selected them from other books, others he adopted from those which had been approved in actual practice, some he prepared himself. They are now the standard

forms used in admiralty practice. The work was so great that the book was not given to the public until almost a year after the death of Mr. Dunlap. The preface he dictated four days before his death and in grateful and complimentary terms he then acknowledged the assistance of Sumner.

During the same period Sumner prepared for Judge Story the index to his "Equity Jurisprudence", which he was about to publish. In 1835, Judge Story also appointed him Reporter for the U. S. District Court over which he presided. In this capacity, he published three volumes of Judge Story's decisions, known as "Sumner's Reports". They appeared in 1836, 1837 and 1841. He also delivered lectures at various times, but they were chiefly upon subjects suggested by his work in the Law School, as The Constitution of the United States, The Law of Bailments, etc. He was an occasional contributor to the North American Review.

Sumner commenced to give instruction in the Harvard Law School in January, 1835. He supplied the place of Judge Story, during the portion of the year he was occupied upon the bench of the Supreme Court at Washington. Sometimes Professor Greenleaf was also obliged to be absent during the same season upon professional business, he having left an extensive practice in Maine to assume the duties of his professorship. At such times the whole responsibility of the Law School fell upon Sumner. In discharging his duties he gave instructions both by recitations and by lectures. The textbooks were the first two volumes of "Kent's Commentaries" and "Starkie on Evidence". The volumes he used show signs of careful and thorough study. They are considerably worn and contain many references in pencil on the margin. This is especially true of the first volume of "Kent's Commentaries", which treats of the law of nations, of the Constitution of the United States, and the sources of municipal law. These were ever afterwards favorite subjects of study with Sumner. Little is now remembered of his method of instruction and this is evidence that it was respectable for he was daily exposed to a comparison with Story and Greenleaf.

This list of his employments shows that Sumner, then hardly twenty-five years of age, was a thoroughly industrious and capable young man. If work in the courts did not come to him, he was willing to take that which did, even though it brought small returns in money. He was faithful to his early ideals. Work was still his talisman. He was extending his acquisition of knowledge and widening his influence and adding to his fame. He was cultivating his power as a writer and speaker and lay-

ing deep and broad a foundation for the future. His habits continued good, he allowed no time for evil associations, he kept himself busy.

As usual he had a circle of warm friends about him. He and his college classmates had drifted apart but new occupations had brought new associations and new friends. Though the number of them was not larger than falls to the lot of others, his devotion to them was a marked trait of his character. It would be difficult to find another, whose time was so carefully husbanded, who was so willing to lay aside his own work to entertain or assist friends. This made his friendship valuable even to a man of prominence and wide influence like Judge Story, who was frequently burdened with work which Sumner could do as well as he. Professor Greenleaf found his friendship equally valuable.

But theirs was also valuable to him. Association with them corrected his ideals and communicated to him the lofty aspirations by which they were inspired. Their wide acquaintance among influential men opened up new avenues of acquaintance to him. His experience in Washington in 1834, when Judge Story brought him to the notice of such men as Chief Justice Marshall and Mr. Webster, was repeated in 1836, when he made a tour visiting Providence, New York, Albany, Saratoga, Niagara Falls, Montreal and Quebec, returning by way of Portland. At New York, he dined with Judge Kent, the author of "Kent's Commentaries", at his home and visited the suburbs of the city with him. He also met the widow of Governor De Witt Clinton and was introduced by her to her brother-in-law, Judge Ambrose Spencer, then living in Albany at an advanced age.

Of this visit he wrote: "While in Albany, I saw Judge Spencer, who received me kindly because he understood I was Judge Story's friend; also Johnson, the reporter, who is one of the most agreeable and gentlemanly men I ever met. Indeed I had reason to think of Judge Story and be grateful to him every step".

At Quebec he met Judge Sewell, the Chief Justice of Lower Canada and Judge Gaston, the famous North Carolinian. He also made the acquaintance at this time of Thomas Brown, a young English advocate, with whom he afterwards corresponded and to whom he was to be indebted for kindness when he visited Europe.

The friendships Sumner now formed were lasting. Francis Lieber, whose acquaintance he had made in 1834, was one of his most frequent correspondents. This correspondence continued

until Lieber's death in 1872. He was a native of Berlin, but came to this country while still a young man and remained until his death, occupying professorships in various colleges. He was a voluminous writer and was always engaged in some literary work. His best known productions are "Civil Liberty and Self-Government" and his "Political Ethics". He was an enthusiast in his literary work but sometimes in his search for materials made serious drafts upon the time of his friends. Sumner, however, was always willing to assist him in securing materials, in the publication of his books and in procuring a favorable reception for them from the public. He in turn frequently aided Sumner with material for his speeches and was ever his staunch supporter in his public career.

Sumner and four of his friends in Boston and Cambridge, at this time formed an association which they called the "Five of Clubs". The members were Sumner, Henry R. Cleveland, Cornelius C. Felton, George S. Hillard and Henry W. Longfellow. They were near the same age, Sumner, the youngest, being twenty-six and Longfellow, the oldest, thirty. They were all talented young men of pure lives and high aspirations and with the exception of Hillard were all unmarried. Cleveland was a teacher, of a refined and sensitive nature, and a graceful writer, but he died six years later. All the others lived to justify their early promise; Longfellow became a great poet; Felton, president of Harvard College and an author; Hillard, an able lawyer and a legal writer of note; all are known as men of letters and made an impression upon their generation and left national reputations. In all the annals of literature there can hardly be found an association more beautiful than that of these young men.

They usually met each Saturday afternoon, at the room of one of their number to discuss the literature of the day, foreign travel, their own studies and to spend an hour in friendly conversation. Each of them submitted to the others, his article or book or poem, for comment and criticism, before it was given to the public. Longfellow and Cleveland had travelled extensively in Europe; and the others longed to do so and were interested in everything that was said of the scenes of their subjects of study. A table spread with a few delicacies gave an additional interest to their meetings. Their conversation was interesting and instructive, nothing coarse, and the direst company would have been jovial under the influence of the hearty laugh and joyous spirit of Felton.

## CHAPTER VI

TRIP TO EUROPE—DISADVANTAGES—OPPOSITION OF FRIENDS—  
MOTIVES FOR TAKING IT—VOYAGE—FRANCE—LEARNING  
FRENCH—SCHOOLS—COURTS—ASSEMBLIES

FOR years Sumner had longed to make a trip to Europe. While a student in the Law School, he almost completed an arrangement with a gentleman by which his expenses for such a trip were to be borne, in consideration of services to be rendered on his return. Later when bantered by Mr. Greenleaf about “the perfect woman he was some day to wed”, or rallied by his friends about settling down in life, he would answer, “I am married to Europa”. It was not, however, until 1837, that his wish to visit Europe became a settled purpose.

Such a trip may easily be made an appropriate conclusion to a college course. It is an excellent preparation, for one, who aspires to a professorship in some school or to the pursuit of letters or to a life of elegant ease. In no other place can a knowledge of a modern language be so well obtained as in the country where it is spoken. You there hear it used continually, with its different forms of expression and pronunciation and you can so locate yourself that you must learn to speak the language or have no communication with others. A knowledge of it thus becomes imperative and it is then more readily acquired. An acquaintance with the people, their manners, institutions and literature follows easily a knowledge of their language. Such attainments are accomplishments to be desired by any one.

But they should present to one situated as Sumner was another consideration,—whether a professional man, to acquire them, would be justified in quitting his office and his business, for two years, after having fairly commenced his career. The law is a jealous mistress. To succeed, one must be willing to dedicate to her not only his days and nights, but he must do it with every energy which he can command. Clients cannot be dismissed and recalled at pleasure. To establish oneself well in the legal profession generally requires years of laborious exertion. Before such a possession is bartered away for graceful, but unnecessary accomplishments, the consequences

should be carefully calculated. So far as Sumner's law practice was concerned, his determination to spend two years in Europe was a mistake.

His friends generally discouraged it. He was much hurt at President Quincy of Harvard bluntly telling him, that all the good Europe would do, would be to teach him to wear a mustache and carry a cane. Some were afraid he would be spoiled by foreign airs and manners; others thought that the continued novelty and excitement of so long a stay in Europe would wean him from the profession to which he had been devoted so short a time. Whatever the cause may have been, the fact is unquestioned, that Sumner never afterwards actively engaged in the practice of law. His friends, however, yielded. They saw his desire to go was so great that he would be cast down if not permitted to carry out his purpose.

For an absence of two years in Europe about five thousand dollars was required to defray his expenses. Of this sum his professional savings had been scarcely one-third. His friends Judge Story, Samuel Lawrence and Richard Fletcher kindly loaned him the balance. To secure him a favorable reception in Europe, friends were ready to give him letters of introduction. Of these he had altogether about fifteen—to some of the most influential persons in England and on the Continent. They also gave him such counsel and information as they could to advance the purpose of his trip. Lieber wrote out for him a number of rules to guide him. The friends who at first discouraged his trip, when he had determined to go, generously furnished him every means in their power to make it profitable.

The discouragements he met with, made Sumner feel the responsibility of the step he was taking. He wrote to Professor Greenleaf the day before he sailed: "It is no slight affair to break away from business which is to give me my daily bread and pass across the sea to untried countries, usages and languages. And I feel now pressing with a mountain's weight, the responsibility of my step. But I go abroad with the firmest determination to devote myself to self-improvement from the various sources of study, observation and society; and to return an American. Gladly will I receive any of those accomplishments or modifications of character, which justly proceed from an extended survey of the human family, I pray fervently that I may return with benefits on my head; and that the affection of character and indifference to country which are thought sometimes to proceed from travel may not reach me. All this is in the unknown future, which I may not penetrate. To the candid judgment and criticism of my friends, I shall

submit myself on my return; and I shall esteem it one of the highest duties of friendship to correct me and to assist in bringing me back to the path of sense and simplicity, if it shall be found that I have departed from it. Do not let it be said then that I shall be spoiled by Europe, but rather suggest that I shall return with an increased love for my country and admiration for its institutions and an added capacity for performing my duty in life. My standard of knowledge and character must be elevated and my own ambition have higher objects. If this is not so then I shall have seen Europe in vain and my friends may regret their generous confidence in me."

Again in his journal of the day he set sail he wrote: "And a sad time it was, full of anxious thoughts and doubts with mingled gleams of glorious anticipations. I thought much of the position which I abandoned for the present; the competent income which I forsook; the favoring tide whose buoyant waters were bearing me so well, which I refused to take even at its ebb; then I thought of the advice and warnings of many whose opinions I respect. The dear friends I was to leave behind all came rushing before me; and affection for them was a new element in the cup of my anxieties. But on the other hand, the dreams of my boyhood came before me, the long-pondered visions, first suggested by my early studies, and receiving new additions with every step of my progress; my desire which has long been above all other desires, to visit Europe; and my long cherished anticipations of the most intellectual pleasure and the most permanent profit. Europe and its reverend history, its ancient races, its governments handed down from old times, its sights memorable in story; above all its present existing institutions, laws and society, and its men of note and mind, followed in the train,—and the thought of these reassured my spirits. In going abroad at my present age, and situated as I am, I feel that I take a bold, almost a rash, step. One should not easily believe that he can throw off his clients and then whistle them back, 'as a huntsman does his pack'. But I go for purposes of education and to gratify longings which prey upon my mind and time. \* \* \* The course which my studies have taken has also made it highly desirable, that I should have the advantage derived from a knowledge of the European languages, particularly French and German, and also a moderate acquaintance with the laws and institutions of the Old World more at least than I can easily gain at home. In my pursuits lately I have felt the want of this knowledge, both of the languages, particularly German, and of the Continental jurisprudence. I believe then that by leaving my profession now, I

make a present sacrifice for a future gain; that I shall return with increased abilities for doing good and acting well my part in life."

These passages reveal his motives. The solution is found in the aspiration which Sumner was known to have at this time. He wished to occupy a professorship in the Law School such as Judge Story then occupied and be known to posterity as a writer on legal subjects. He wished to study law as a science, not to practice it as a trade, to be instrumental in reducing its principles to something like symmetry and in bringing the mass of the common-law into smaller compass. He wished to have the civil and criminal law both codified as the latter has been since, in many of the States.

Upon the subject of codification he was enthusiastic. In 1836 he was appointed by the Legislature of Massachusetts with Judge Story and others a Committee to report on the advisability of such a reform in that State. Though declining to act as a member of the Committee for fear of the imputation of the undue influence of Judge Story, which might arise from their friendly relations, he advocated the reform in the *Jurist* and sought the contributions of Professor Mittermaier, an eminent German law-writer, in presenting similar views to the public.

He wished to talk on this subject with its advocates in Europe. He wished to know these men and to know them intimately. He wished to see them in their schools, hear their lectures, enter with them into the spirit of their work. He wished to see their methods of instruction, to know in what they excelled and introduce their reforms into his own country. He wished to see parliaments and assemblies where laws were made and the courts where they were administered and note wherein they differed from similar institutions of his own country. He intended by this means to fit himself for a life-work.

After several appointments and as many disappointments, Sumner at last fixed his time of sailing, in the early part of December, 1837. During November, he made a hurried trip to Portland, Maine, to procure some promised letters of introduction; and another to Washington to be made the bearer of dispatches, an appointment which would give him some advantages. He sailed by the *Albany* on December eighth from New York. The evening previous, until late, he spent in writing farewell letters to friends. He had received many from them assuring him of their regard, bidding him God-speed and reminding him of the honorable career which awaited him on

his return. As the vessel sailed slowly down the harbor and out to sea, he stood thoughtfully on deck, watching receding objects till one after another disappeared and he was left alone, with all he loved behind, with nothing before but his own bright anticipations, now overshadowed with the gloomy forebodings of his friends.

He then went below. Here different experiences awaited him. During the next four days he suffered from that sickness, which some one has humorously said makes a man feel at first afraid he will die, but afterwards, afraid he won't. At the end of that time he had so far recovered as to be able to read when propped up in his berth and at the expiration of a week he could go below to his meals. During the remainder of his voyage he spent his time, in reading, studying French and reviving his knowledge of chess and whist, accomplishments of his college days which he had put aside for sterner tasks. The voyage was a prosperous one and on the evening of December twenty-fifth, land was sighted. Sumner was then in the English Channel and the dream of years was realized!

"My mind," he wrote, "has felt a thrill under the associations of these waters; it is my first experience of the rich memories of European history. On my left now are the chalky cliffs of England—Plymouth, from which the Pilgrim ancestors of New England last started to come to our bleak places; also the Isle of Wight, consecrated by the imprisonment of the royal Charles; and the harbor of Portsmouth, big with the navies of England. On my right is *la belle France* and the smiling province of Normandy; and the waters which now bear this American ship are the same over which Caesar with his frail boats, and afterwards William of Normandy passed to the Conquest of England. Their waves dash now with the same foamy crests as when these two conquerors timidly entrusted themselves to their bosom. Civilization, in the mean time, with its attendant servants—commerce, printing and Christianity—has been working changes in the two countries on either side; so that Cæsar and William, could they re-visit the earth, might not recognize the lands from which they passed or which they subdued. The sea receives no impress from man."

Owing to adverse winds, the *Albany* did not come to anchor at Havre until December twenty-eighth. Sumner then went on shore and spent the remainder of the day in viewing the city. The next morning he started for Rouen, talking on the road to the driver as best he could, with his imperfect French. He now felt the need of the language to be able to appreciate the objects of interest about him and he was determined to use

it and thereby extend his knowledge of it, at every opportunity. The next day was spent in Rouen, a considerable part of it in viewing the Cathedral, the wonder of the North of France, built before the Conquest, when the knowledge of the arts and sciences seems to us to have been in its infancy ; and yet it appears, to the traveller to-day, as great an achievement in architecture as it must have been to its builders. He also visited the *Hôtel de Ville*. In its library, he was struck with a manuscript he saw, made on parchment by an obscure monk, before the discovery of the art of printing. The work was a collection of the music used in their service, of no substantial value, and yet the labor of transcribing it consumed thirty years of time—almost a whole human life, *wasted!*

Anxious to see at their height the great gambling hells, which were to be abolished throughout France on the first of January, Sumner set out for Paris on the morning of December thirty-first and reached there at twilight in the evening,—in time to see the dens, in their greatest pride, fade away before the law. In the journal which he commenced with his voyage and continued for four months he has recorded the scene :

“ I went about ten o’clock to Frascati’s,—the great “ hell ” of Paris. Passing through an outside court, and then a short entry, we entered an antechamber, where there were a large number of servants in livery who received our hats and outside garments, no one being allowed to enter the gambling *saloon* with either. The hats already hanging up and in the custody of the servants seemed innumerable, and yet the servants had no numbers or marks by which to indicate to whom each hat belonged, trusting entirely to recollecting the countenance. The door of the saloon was then opened ; and the first table of gamblers was before us—men young, middle-aged and old, with the bloom of youth yet mantling the face and with the wrinkles and gray hair of age. This table was a *roulette*, I believe. It was about the size of a common billiard table, and it was completely surrounded by a double and triple row of persons ; the first row sitting, and the others standing. Among those sitting were two or three women of advanced age, and moving about the room were several younger, undoubtedly Cyprians, possessing considerable personal attractions.”

“ Passing into the next saloon through an open door, we found a larger table, with players more intent and more numerous, where the game turned upon cards. The silver and gold spread on the table was a vast amount, and I saw one man, with a lip that quivered and a hand that trembled, stake his double handful of gold on a single throw,—amounting to many hun-

dred dollars. Little wooden rakes or hoes were used to draw the money in. The third saloon had a table where the chance turned upon dice."

"It was a scene which I am glad to have witnessed. The excitements of gambling have been said to be strong; and I can understand how persons have been drawn by its fascinations within the terrible maelstrom. They try once for experiment, and are seduced by a momentary success, or excited by a loss and observing others perhaps winning large sums, they are finally absorbed in the whirling vortex. Several of the friends that I went with ventured several francs, and alternately lost and won. I am free to confess that I felt the temptation but I restrained my hand. To-night being the last night, the rooms were very full, the gamblers wishing to have their last game. We left sometime before midnight, thinking that there might be some disturbance at that time, when the transforming wand of the law would exercise its power. I, however, walked the boulevards, which were splendidly illuminated by the shop windows till long after midnight, as well as thronged by people; and at twelve o'clock I stood before Frascati's. The people were retiring from within, and as the women came out they were subjected to the sneers and jeers of a considerable crowd who had collected in the street about the gateway. A few of the police were present who at once interfered to prevent the uproar; and in a few minutes three horsemen rode into the crowd, and speedily dispersed them. Such was the last night of Frascati, and my first night in Paris."

During his first weeks in Paris, Sumner pursued industriously the study of the French language. He had studied it while in college and could read it with some accuracy, but he had thus far made little effort to learn to speak it. He refrained from presenting the letters of introduction which he had to various persons in Paris and he declined invitations into society, until he could use the language. He engaged lodging in a quiet part of the city so that he would have a place where he could hear nothing else spoken and so be compelled to talk French or have no communication with those about him. Here he engaged two teachers with whom he could take lessons and converse at different hours of the day. When he went for a walk, he would take the child of one of his teachers to talk to; he conversed with people he met by the way. "My rule," he wrote, "is to practise upon everybody, to take every opportunity to speak the language, even if it be but a word, for every time of trial gives me assurance and also adds to my stock of words and phrases."

He frequented reading-rooms and public lectures in the schools of medicine and law. He also attended theatres, purchasing at the door a copy of the play so that he could follow the performance and thus familiarize himself with the sound of the spoken language. Of course he made rapid progress in a study pursued so persistently. He had entered France on December twenty-eighth and on January twelfth, he recorded in his journal, on returning from a lecture at the law school, that he could understand nearly all the lecturer said. On February fourteenth, after an evening spent in the society of some friends he again recorded that all were kind enough to remark that he had gained a great deal of French and were astonished at his progress. "I just begin to enjoy conversation," said he, "and the sensation is delightful." Thenceforward he was frequently in society and soon became at ease in the use of the language.

Whatever furnished self-improvement seemed to have an attraction for him. As he drifted into the dock at Havre, with the tide and a gentle wind, he marked the "noble work contrived for the reception of vessels and bearing the inscription of 'An. IX Bonaparte I<sup>o</sup> Consul'", the labor of this great man meeting him on the threshold of France. At Paris he ascended the monument in the Place Vendome, conceived and built by Napoleon, and he recorded in the journal of the day: "It is composed of the cannon taken at Austerlitz. There is a genius characteristic of Napoleon in making the conquered cannon into a monument of victory; and the monument is a most beautiful one. It is an imitation of the pillar of Trajan at Rome of which it preserves the proportions on a scale larger by a twelfth."

He visited the Hospice des Enfants Trouvés, since discontinued, and of it he wrote: "This is the receptacle of the foundlings of Paris; and upwards of one hundred are left here each week, making more than six thousand during the year. The argument for such establishments is that they prevent infanticide by furnishing an asylum for infants. There is a little box with a green cushion, about large enough for an infant, which opens on the street; into this the child is put by the parent or other person entrusted with it, and at the same time the box is turned round, a bell being made to ring by the act of turning, and the little thing is received into its new asylum. If the infant is well it is very soon put out to nurse in the country. There were about one hundred and fifty in the Hospice. It was a strange sight to see so many children all of an age, ranged in rows, in their little cradles. There was a large number with sick eyes, and many with other complaints."

The curtains of many were drawn aside that I might see them. In one cradle I observed that the countenance was pallid and the mouth open, and I said to my attendant, '*Elle est morte.*' The attendant doubted, and thought that she perceived a breath from the mouth. I touched the cheek; and it was very evident that the poor child was dead,—it was as cold as marble. It was melancholy to see even an infant that had died without any attendant affectionately watching; and who breathed its last, with the curtains of its little cradle closed against all sight."

But the schools and the courts seemed to be the most attractive places to Sumner and there he spent much of his time, after learning the language. During his stay in Paris he attended about one hundred and fifty lectures, delivered in the schools by many of the most eminent teachers in France. His journal and letters abound in references to them, describing most of the lecturers and their manner and method and his estimate of their merits. He usually attended one or two of these lectures each forenoon. The manner of giving instruction seemed to be of especial interest to him and to obtain information upon this subject he did not confine himself merely to the schools of law, his own profession, but those of medicine and the sciences were equally to his purpose. The hospitals which gave Paris especial advantages for the study of medicine and hence attracted the most gifted men in the profession and large numbers of students, often found him there, joining a class and with it following the professor through the different wards, witnessing the surgical operations performed and all kinds of diseases treated and explained to the class, which he still attended, to hear the lecture following, in the lecture room.

Everywhere it was work and activity for him from early morning until late at night, his bedtime usually being about midnight or one A. M. He wrote to Judge Story at the end of his first six weeks in Paris: "All my hours are occupied far into the watches of the night. So far as labor is concerned, I should much prefer to be again in my office dealing with clients and familiar law books. Travelling with my desires and determination is no sinecure. I am obliged to husband all my minutes."

Having learned the language so he could use it with some facility, during the first two months of his stay in Paris, he then left his comfortable but retired room in the Latin quarter of the city and found lodging on one of the Boulevards, where he could see more of the life of the metropolis. His letters of introduction, several in number, not thus far used he now

hastened to present. Foelix, the editor of a law magazine and the author of a work on the Conflict of Laws, he had been brought into contact with by his work upon the Jurist and they had exchanged letters before Sumner went to Europe. Immediately upon arriving in Paris, he had sought him out. He found him living quietly with two maiden sisters, one of them well read in the law, able to converse in English and an accomplished assistant of her brother in his editorial work. Foelix was a Prussian by birth but being banished from his native country for political causes, he had come to Paris and was naturalized as a citizen. He was enthusiastic upon the subject of codification and absorbed in the work of his periodical. Sumner was frequently in his company, while in Paris, and by him he was introduced to many men of eminence and otherwise shown much kindness.

Sumner carried a letter of introduction from Dr. Channing to Baron de Gerando, a lecturer in the law school, a Councillor of State, a Peer, and also a writer of some note. Lewis Cass was then our French Minister and he and his wife, being wealthy, entertained handsomely. Being the bearer of dispatches from his government, Sumner was brought at once into contact with him. George Ticknor, who had been Professor of French and Spanish Literature at Harvard, while Sumner was in College, with his wife, a most accomplished and attractive woman, was also in Paris during the first two months of Sumner's stay. With all these he dined. He thus enlarged his circle of acquaintances. These were his means of access to French Society, few enough it would seem. But he had been accustomed to the best society which Cambridge and Boston afforded and with his ambition to learn and his enthusiastic appreciation of all that was pure and good he needed only to have an entrance and thenceforward his own merit opened the avenues he desired.

It is interesting to note how he succeeded. He met, upon friendly terms, Cousin, the writer upon ethics and philosophy, was called upon by him and with him discussed the merits of the writers upon kindred subjects in the United States. Sismondi, the historian, and Pardessus, the writer upon Commercial and Maritime Law, both received him kindly. He was entertained by Demetz, a Judge and afterwards the founder of the Reform School for boys at Mettray, where Sumner again met him in 1857 and was impressed by his remark that 'he had renounced his position as Judge, thinking there was something more for him to do than to continue rendering judgments of courts; that he had the happiness of being a Christian and that

it was of much more importance to him what the good God would think of him than what men thought."

He was presented to Madame Murat, ex-queen of Naples, the sister of Napoleon and widow of his great Captain of Cavalry. His journal notes: "She is now at Paris to prosecute a claim against the Government for the Palais de l'Elysee Bourbon. She is full sixty, but appears to be forty-five. She received me quite cordially in her bedroom where there were already three or four ladies, and, in the true French style, was pleased to compliment me on my French; when, indeed, I spoke wretchedly,—not speaking as well as I might, for I felt a little awe at the presence in which I found myself. She is rather stout, with a free, open, pleasant countenance and ready smile. Presently some Marquis or other titled man was announced and she said, '*C'est terrible*' and rose and passed to the *salon*, where she received him. Her countenance had the roundness which belonged to Napoleon, but none of his marble-like gravity."

Sumner also saw and heard Dupin, the first lawyer of France, then President of the Chamber of Deputies, and also saw Guizot and Thiers, the historians. The newspapers occasionally noticed his presence at a trial or a lecture; and at a public banquet he attended, the presiding officer noticed his presence in some complimentary remarks, which were applauded by the company.

Sumner spent much of his time during the last two months in Paris at the Assemblies and the courts. At the former, through the kindness of Gerando, himself a Peer, he was honored with a seat in the box in the Chamber of Peers. And in the Chamber of Deputies, through the kindness of another friend, he was given a seat in the reserved tribune. With these opportunities for hearing and seeing, he could closely observe the proceedings. He was impressed with the dignity and moderation in partisanship which characterized the debates and the apparent regard for the public welfare.

But he was still more interested in watching the operation of the Code Napoleon in the courts. He was enthusiastic in its praise. He observed closely the procedure in the courts. At this time he contemplated writing a book on the comparative procedures in the courts of England, France and the United States. He thought the French bar inferior in learning to our own and their literature of the law confined almost exclusively to commentaries on their Code and the Roman law. And his impression was that the French nation was behind our own in its courts and laws.

To Judge Story he wrote: "At present I am attending the courts. Indeed a French court is a laughable place. To me it is a theatre and all the judges, advocates and parties 'merely players.' In those particulars in which they have borrowed from the English law, they have got hold of about half the English principle and forgotten the rest. Thus they have juries. These they imported from England; but with them, none of the regulations by which the purity of our verdicts is secured. \* \* \* There was nothing like cross-examination; and I have reason to believe that this test of truth is entirely unknown to the French procedure. All the questions were put by the presiding judge, who, however, took no notes of the answers: and the questions were general, such as names and times being altered would apply to all cases. \* \* \* Papers of all kinds are admitted. You will see from these words that the duties of the judge and advocate are infinitely abridged; the lawyer giving his chief attention to his pleading and the presiding judge putting a series of questions which have been digested beforehand. Neither judge nor lawyer is obliged 'to watch the current of the heady fight,' as with us, where almost every word of testimony makes its way against the serried objections of opposing counsel."

His journal of March sixteenth and seventeenth contains a description of a trial which he attended at Versailles, in the company of his friend, Ledru, one of the attorneys for the defendant: "The prisoner," he wrote, "was a young man of eighteen, who was charged with killing his mistress. It seems that the two, according to a French fashion, tired of life, agreed mutually to kill each other. The pistol of the prisoner took effect and the girl was killed; but hers did not take effect. The prisoner then tried to kill himself but was finally arrested before he had consummated his project. \* \* \* The first step was the reading of the *act of accusation* or indictment by the clerk. The names of all the witnesses were then called. They were very numerous and were all sent into an adjoining room. Among them was the mother of the prisoner and also the mother of the deceased. The prisoner himself was first examined very minutely by the judge and detailed all the important circumstances of his life, his education and of his final commission of the offence, with which he was charged. He gave all the particulars fully. This examination was conducted entirely by the senior judge. The prisoner cried while telling his story, and did not speak loud enough to be distinctly heard by the jury. He was then removed from the witness stand. The judge next read the examination of the prisoner on his first

apprehension, and then the testimony given by physicians at the first examination. Witnesses were then introduced one by one; \* \* \* by the judge. The few questions put by counsel on either side were through the mouth of the judge; and there were not half a dozen during the whole trial, and to, perhaps, thirty witnesses. The first set of witnesses proved the previous character of the accused; the second set the same of the deceased. Next came the doctors and then the persons who found the body and the prisoner. Members of the jury asked questions when they pleased; and all or nearly all, had a little piece of paper on which to make notes. The examination of witnesses was completed the first day, and the court adjourned at about five o'clock in the afternoon. The jury separated without any injunction not to converse on the subject of the trial; but on the adjournment mingled among the crowd."

"March seventeenth. At ten o'clock the court again convened. One of the morning papers contained a full report of the doings of yesterday. My friend the counsel of the prisoner, anticipating it last night, enjoined upon his servant to bring from Paris a dozen copies of the paper containing the report to distribute among the jury. I told him he would commit a crime, according to English and American law,—‘Embracery’; but he laughed at the idea. This forenoon the Procureur-Général first spoke, then the counsel for the prisoner; then again the Procureur, and again the counsel for the prisoner. I understood that they had a right to speak as many times as they chose, the counsel for the prisoner always having the last word. In the arguments there was nothing such as I have been accustomed to; everything was different. The defence was theatrical, brilliant, *French*. The counsel grasped the hand of his client, and worked the whole audience into a high pitch of excitement. At the close of his argument he called upon his client to promise in the face of the court and of God, that, if he were restored to liberty, by the verdict of the jury he would hasten to precipitate himself upon the tomb of the unfortunate girl he had destroyed and pray for forgiveness; and the prisoner, by way of response, stretched his hand to his counsel, who seized it with a strong grasp, saying at once, ‘*J’ai fini.*’ Women screamed and fainted, strong men yielded, and tears flowed down the cheeks of the jury and even the grim countenances of the half dozen police, or *gendarmes* who sat by the side of the prisoner, elevated and within the observation of all the audience. The arguments concluded, the judge sitting (and the jury sitting) read a very succinct statement of the case, and the law which bore upon it. This occupied perhaps

five or ten minutes. The jury then retired and within less than ten minutes returned. The prisoner, in the meantime, had been conducted to a room out of the court room. The jury rendered their verdict, ‘Not Guilty’; the prisoner was then brought in and the judge communicated the decision to him, dismissing him with an impressive admonition. The greatest excitement prevailed in the court room when the verdict was announced. Women, and men too, cried for joy. So much for a French criminal trial !”

These things show the employment of Sumner during his stay in France. He left May twenty-ninth, 1838, for London. He had learned to speak the French language with considerable freedom and resolved to study it further in England and make it a permanent acquisition. He had seen the courts and schools, assemblies and theatres, he had visited the cathedrals and spent some time in her famous art galleries and in viewing her public monuments and works. But perhaps the most interesting of all to him was the opportunity he enjoyed of seeing and becoming acquainted with many of her scholars and eminent men. With some of them he afterwards corresponded. To the recollections of this brief life in Paris, he ever after turned, as a solace, during his after years of toil.

## CHAPTER VII

LONDON—THE CLUBS — PARLIAMENT — THE COURTS — JUDGES,  
DENMAN, LITTLEDALE AND OTHERS—SOCIETY, MACAULAY,  
CARLYLE, HALLAM—SERVICES FOR FRIENDS—ON THE CIR-  
CUITS—BROUGHAM—LONDON AGAIN

AN important part of the life of Sumner is his first visit to England. No biography of him would be complete without a considerable mention of it. It was different from the visit of most Americans to England, so many undertake it from motives of simple pleasure and are satisfied with a hurried view of the places that are usually seen by tourists. But it must be kept in mind that Sumner's purpose was different. He sought solid instruction, not mere rest from labor; and permanent improvement, not the mere amusement of an idle hour. No part of his early education was more fruitful of results. He saw England as few young Americans have ever been permitted to see it and the taste it gave him of the real life of the eminent Judges and barristers and Lords and Commoners, men high in authority, created with him a different view of office and high position from that he had before entertained. It is fortunate that we have so full a record of his daily occupations and experiences as has been preserved to us by his letters. They give the reader delightful glimpses of English private life in places not easily accessible to travellers and thus have a value apart from our interest in the story of Sumner's life.

He reached England on the thirty-first day of May, 1838, and remained until March twenty-second, 1839, almost a year. He came from Calais by way of the river Thames, directly to London. "My friends, English and American," he wrote, "advised me to take this route, and enter London by the gate of the sea; and I feel that the advice was good. I waked up in the morning on board the small steamer and I found her scudding along the shores of Kent. There were England's chalky cliffs full in sight,—steep, beetling, inaccessible, and white. Point after point was turned, and Godwin's Sands—where was buried the fat demesne of old Duke Godwin, the father of Harold—were left on the right. We entered the Thames; passed smiling villages, attractive seats and a neat country on the banks and thousands of vessels floating on the river. For

eighty miles there was a continuous stream of vessels; and as we gradually approached the city then did the magnitude and mightiness of this place become evident. For five miles on either side the banks were literally lined with ships, their black hulls in gloomy array, and their masts in lengthening forests. We were landed at London Bridge, and my eyes recognized at once 'London's column pointing to the skies,' and, as I drove up to lodgings, St. Paul's. When I landed I first supposed myself in the centre of the city; but I subsequently found that I had hardly reached this point, when, driving two miles, I was set down at Tavistock Hotel, in Covent Garden."

He engaged permanent lodgings near Parliament and the Courts. He brought letters of introduction from Judge Story, Emerson and others to Justice Vaughan, Carlyle, Wordsworth, Lords Jeffrey, Denman and Fitzwilliam and two or three other persons of less note. He presented some of these letters promptly upon his arrival in London. Of four clubs the Alfred, Garrick, Athenæum and Travellers, he was shortly after elected an honorary member. This was a qualified membership, entitling him during his temporary residence to the privileges of the club.

Here he mostly took his meals and wrote many letters. He was enabled by the persons to whom he bore letters to make friends besides those he met at the clubs, until with the broadening circle, before his departure, he numbered among his acquaintances most of the great names of the England of that day. It must always be remembered that he bore letters to only a few of those he met. His letters hardly numbered more than a dozen; while he counted his friends by hundreds. The letters could have laid those to whom they were addressed under only the most moderate obligations to him, an invitation to dine or some similar courtesy and then the acquaintance need have been pursued no farther. But as shown by his letters Sumner's invitations to dine were more than he could accept. If he had not himself attracted the persons he met, his circle would have been narrow, for he scrupulously refrained from asking for any introductions at all. But it is some tribute to his own personality that when he returned to the Continent he was told by those amply able to judge that he "had seen more of England and its society not only than any foreigner but even than a native." So great an authority as Lord Denman, then Chief Justice of England, wrote him on leaving: "No one ever conciliated more universal respect and good will."

Sumner's earliest acquaintances in London were among the

members of the bar. Pleasant glimpses we get of him as he describes his visits to Parliament. First in the company of a little knot of barristers, he dropped into the House of Commons one evening about ten o'clock and found that body engaged in the dull discharge of routine business,—so dull that, in humorous amazement he records that he actually dropped asleep under its Gallery. But he quickly corrects the impression this might give of his interest in that body, by relating his next experience, when, through the courtesy of one of its members, he was admitted to the floor of the House and with this advantage sat through a night's debate on the Irish Municipal Corporation Bill.

He thoughtfully estimated the successive speakers. There was the polished, graceful, self-possessed, candid, or apparently candid, Peel, with rather a want of power; and the diminutive, rickety Lord John Russell, wriggling around, playing with his hat, seemingly unable to dispose of his hands or his feet, his voice small and thin, but notwithstanding all this a house of upwards of five hundred members, hushed to catch his slightest accents. You listened and you felt that you heard a man of mind, of thought and of moral elevation. Then came Sheil, breaking forth with one of his splendid bursts, full of animation in the extreme, in gesture and glow like Sturgis, in voice like John Randolph, screaming and talking in octaves and yet the House listening and cheering. Sugden, the author of the "Law of Vendors", authority wherever, the world over, the Common Law finds a home, tried to speak, but his voice for the whole half hour he was on the floor was drowned by calls for the question and the uproar of the members and the Gallery, so that Sumner heard not a word he uttered. Then the accomplished O'Connell, with his rich voice, more copious and powerful than Clay's, charmed the House to silence. Campbell, afterwards Lord Chief Justice was there. And Follett spoke, already Sumner's friend, and the leader of the English bar, Sumner thought, better than all the rest. Was it partiality for his friend or his profession that made him think so? Sumner was attached to both.

He was impressed with what he saw of the English bar. He was introduced by the Chief Justice, Lord Denman, to whom he brought a letter of introduction. He was at once received among them upon friendly terms and was impressed with what seemed to him the unusual freedom of their intercourse, never addressing one another with the prefix "Mr." but always simply, "Follett", "Campbell", "Wilde", dining together at the Inns of Court, many of them lodging there, frequenting the

clubs together and travelling in company on the Circuit. They appeared to Sumner like a well-regulated family, a band of brothers. It was to them that he owed his admission to the clubs. Lodging among them, a well-read lawyer himself, well educated, accustomed to good society and its amenities, eager to learn of their courts and to know those who presided and practised there and able to impart a similar knowledge of our own courts, with his youth and versatility he easily became an accession to their society. He thus found opportunity to see them in public and in private. He knew most of the Judges and was invited to dine with them and repeatedly, during trials, occupied, by their invitations, a seat at their side on the bench. The relations of the bench and the bar were more cordial than he had been accustomed to see. Each seemed more the helper of the other. Good-will, graciousness and kindness prevailed between them. To him, as he wrote, nothing could be imagined more pleasant than the life of an English Judge, with the English bar always standing between him and the litigants to soften the asperities of his position.

The practice of the law had its humorous side. Straying into the committee room of the House of Lords one morning, Sumner found several attorneys busy examining witnesses as to the feasibility of a proposed railroad. He at once recognized Sir Charles Witherell by the careless and slovenly dress, by which he had repeatedly heard him described. The witness was a plain farmer also apparently careless of his appearance. The question was asked, by Sir Charles, whether the proposed road would not do considerable business in carrying articles of fashion. "Well, as to articles of *fashion*, Sir Charles, I do not think they much concern either you or me," was the quick response. The committee laughed heartily and Sir Charles joined them.

To Judge Story he wrote of the courts and judges and of the bar. "Most of the judges go to court in the morning on horseback, with a groom on another horse behind; and they are notorious as being very poor riders—though the fate of Twysden has been latterly unknown, he having fallen from his horse on the route and then declared that no Lord Chancellor should ever make him mount again. In winter the court opens at ten o'clock; and they continue sitting till between four and five,—often till seven. Between one and two they leave the bench and retire to their room, where they eat a sandwich and drink a glass of wine from a phial; this takes five or ten minutes only. The judges have not separate seats, as with us; but all sit on one long red-cushioned seat,—which may with propriety be

called the *bench*, in contradistinction to the *chair*, which is the seat of a professor. I shall begin with the common law, and, of course, with the Queen's Bench."

" You know Lord Denman, Chief Justice of the Queen's Bench, intellectually better than I; but you do not know his person, his voice, his manner, his tone,—all every inch the judge. He sits the admired impersonation of the law. He is tall and well made with a justice-like countenance: his voice and the gravity of his manner, and the generous feeling with which he castigates everything departing from the strictest line of right conduct, remind me of Greenleaf more than any other man I have ever known. I wish you could have listened to Lord D., as I did on the circuit, when he sentenced some of the vicious and profligate wretches brought before him. His noble indignation at crime showed itself so naturally and simply that all our bosoms were warmed by it; and I think his words must have gone like iron into even the stony hearts of the prisoners. And yet I have seen this constitutional warmth find vent on occasions when it should have been restrained; it was directed against the Attorney-General, who was pressing for delay in a certain matter with a pertinacity rather peculiar to him. Lord D. has to a remarkable degree, the respect of the bar; though they very generally agree that he is quite an ordinary lawyer. He is honest as the stars, and is willing to be guided by the superior legal learning of Patterson. In conversation, he is gentle and bland; I have never seen him excited. His son, who will be the future Lord Denman, is what is here called a nice person."

" Littledale is rather advanced in life; I should call him seventy. He has the reputation of great book-learning; but he seems deficient in readiness or force, both on the bench and in society. I heard old Justice Allen Park say that Littledale could never get a conviction in a case where there was any appeal to the feelings. He has not sat *in banc* this term, but has held the Bail Court."

" Patterson is the ablest lawyer on the Queen's Bench,—some say the first in all the courts. As I have already written you, he is unfortunately deaf, to such a degree as to impair his usefulness, though by no means to prevent his participating in the labors of the bench. He is deeply read and has his learning at command. His language is not smooth and easy, either in conversation or on the bench; but it is always significant, and to the purpose. In person he is rather short and stout, and with a countenance that seems to me heavy and gross; though I find that many of the bar think it quite otherwise. I heard Warren

—author of ‘Ten Thousand a Year’ and ‘Law Studies’—say that it was one of the loveliest faces he ever looked upon; perhaps he saw and admired the man in his countenance. I have heard many express themselves about him with the greatest fondness. He has a very handsome daughter.”

“ Turn next to the Common Pleas. There is, first, Lord Chief Justice Tindal. He sits over his desk in court, taking notes constantly,—occasionally interposing a question, but in the most quiet manner. His eyes are large and rolling; in stature he is rather short. His learning, patience and fidelity are of the highest order. He is one of the few judges who study their causes on their return home. His manner is singularly bland and gentle, and is, perhaps, deficient in decision and occasional sternness. Sergeant Wilde is said to exercise a very great influence over him; indeed scandal attributes to him some of the ‘power behind the throne greater than the throne’. Upon Tindal devolves the decision of all interlocutory matters in his court, the other judges seldom interposing with regard to them, or, indeed, appearing to interest themselves about them. He is one of the kindest men that ever lived.

“ Then comes Vaughan. He became a sergeant sometime in the last century and was the youngest ever known. At one period his practice was greater, perhaps, than of anybody ever known in the courts. His income was some fifteen thousand pounds. About 1820 his leg was broken very badly by a cartman, who ran against him as he was driving in a gig. After being confined to his bed for three months, he at length appeared in court on the shoulders of his servants; and had a hole cut in the desk before him for his leg; and by permission of the court addressed the jury sitting. His business at once returned to him. In 1820, he was made a judge, it is said at the bar, by the direct command of George IV, who was moved to it by his favorite physician, Sir Henry Halford; which gave occasion to the saying in the bar benches that ‘Vaughan was made a judge by *prescription*’. He is reputed to have the smallest possible allowance of law for a judge; but he abounds in native strength and sagacity, and in freedom of language. With him the labors of the judge cease the moment he quits the bench. I doubt if he ever looks into a cause at chambers. In his study he once showed me four guns, and told me with great glee that, by sending a note to Sergeant Wilde, he persuaded him not to make any motion on a certain day, and got the Court of Common Pleas adjourned at twelve o’clock; he at once went fifteen miles into the country, and before four o’clock had shot a brace of pheasants, the learned judge sitting on

horseback when he fired, as from his lameness he was unable to walk. He is fond of Shakespeare and often have we interchanged notes during a long argument of Follett or Wilde, while I was sitting by the side of the latter in the Sergeants' row, the burden of which has been some turn or expression from the great bard, the crowd supposing he was actively taking minutes of the argument, while he was inditing something pleasant for me to which I never failed to reply. His present wife when young was eminently beautiful, so that Sir Thomas Lawrence used her portrait in some imaginary pieces. He has several children, one of whom, his eldest son, graduated at the University with distinguished honor, and has been recently called to the bar: I think him a young man full of promise. Vaughan though not a man of book-learning himself respects it in others."

Sumner thus describes the trial of a case before the House of Lords: "I have not spoken of arguments before the Lords. I have attended one and sat in conversation with the Attorney-General, Lushington, and Clark, the reporter. The Chancellor sat at the table below the woolsack; the benches of the Lords were bare; only two unfortunate members, to whom by *rotation* it belonged to *tend-out* in this manner, were present in order to constitute the quorum. These happened to be, as Dr. Lushington explained to me, Lord Sudely, who is quite skilled in architecture, and Lord Mostyn, who is a great fox-hunter. There they sat from ten o'clock in the morning till four in the afternoon, with their legs stretched on the red benches and endeavoring by all possible changes of posture to wear away the time. The Attorney-General told me that 'it would be thought quite indecorous in either of them to interfere by saying a word'. You have asked about the character of the judges, I should not omit that of the Lord Chancellor (Cottenham). He did not once open his lips, I think, from the beginning to the end of the hearing. I am astonished at the concurrent expressions of praise which I hear from every quarter. He has been all his days a devoted student of the law; and I believe of nothing else."

Perhaps it was after a day before this court, and having in mind such judges as Lord Sudely and Lord Mostyn, that an eminent English barrister once told Sumner that he always drank porter before an argument in order to bring his understanding down to a level with the judges.

Sumner breakfasted with Lord Chief Justice Denman, whose invitations to dinner, owing to other engagements, he was obliged to decline. He dined with Lord Wharncliffe. He at-

tended a great ball at Lord Fitzwilliam's, starting from his lodgings at eleven o'clock in the evening, but the press of carriages was so great there, that he did not reach the door until one. There was the *élite* of England's nobility. He remarked that the only untitled name he heard was that of the Chancellor of the Exchequer, who bore the rather suggestive one, Spring Rice. It seemed as if he had fallen in fairyland, with the whirl of beautiful women and well-dressed men about him, Lord and Lady, waiting as submissively as himself to be presented. He attended a collation by the Bishop of London and was asked by the Bishop to take wine with him. He was invited to the banquet of the Lord Mayor of London and his health was proposed by the late Lord Mayor, in a complimentary speech, to which he made an impromptu reply, drawing cheers from his audience and afterwards congratulations from his friends. He attended the coronation of Queen Victoria, with its gorgeousness and suggestions of feudal glory and was at a grand *fête* given in honor of the event at Lansdowne House.

The invitations to these places were all voluntary. Sumner as scrupulously refrained from asking for them as he had for introductions.

The numerous invitations he received enabled him to meet and, in many instances, to know well men of wider reputation than most of those who bore the English titles. His letters, especially to Hillard, abound in descriptions of the literary people he saw. It was in the great names of English Literature, whose writings they had discussed at the meetings of the Five of Clubs and in their private walks and talks that Hillard was most interested. He wanted to hear from Sumner how these men looked and talked and acted, his estimate of them from a close point of view. The glimpses Sumner gives us of them are delightful; Bulwer, radiant with jewellery and incased in ruffles, with his high-heeled boots and flaming blue cravat, strutting about the club; Pool, the author of "Paul Pry", sitting very quietly, eating moderately, using few but choice words, often hitting off clever things; Lockhart, the son-in-law and biographer of Sir Walter Scott, fretting about, saying little and still less that was worth remembering. He saw the banker-poet Rogers, often in company, but never liked him till he breakfasted with him at his own home. Then he found him, as a converser, unique, the world not giving him credit enough for his great and peculiar power, in this line; terse, epigrammatic, dry, infinitely to the point, full of wisdom, sarcasm and cold humor, saying the most ill-natured things and doing the

best; to be alone with him, enjoying his paintings and rare art treasures, and still more his frank talk of the society and poets and poetry of the quarter of a century that had passed before him, he alone of all unchanged,—“seldom”, he adds, “have I enjoyed myself more”.

Here is his first glimpse of Macaulay, the historian, whom he afterwards met frequently: “During the dinner at Lord Lansdowne’s, I was addressed across the table, which was a large round one, by a gentleman with black hair and round face, with regard to the United States. The question was put, with distinctness and precision, and in a voice a little sharp and above the ordinary key. I did not know the name of the gentleman for some time, till by and by, I heard him addressed by some one, as ‘Macaulay’. I at once asked Lord Shelburne, who sat on my right, if that was Thomas Babington Macaulay, just returned from India, and was told that it was. At the table we had considerable conversation, and on passing into the drawing-room it was renewed. He is now nearly or about forty, rather short, and with a belly of unclassical proportions. His conversation was rapid, brilliant and powerful; by far the best of any in the company, though Mr. Senior was there and several others of no mean powers. I expect other opportunities of meeting him. He says that he shall abandon politics, not enter Parliament, and addict himself entirely to literature.”

Sumner carried a letter from Ralph Waldo Emerson to Thomas Carlyle. He wrote to Hillard: “I heard Carlyle lecture the other day; he seemed like an inspired boy; truths and thoughts that made one move on the benches came from his apparently unconscious mind, couched in the most grotesque style, and yet condensed to a degree of intensity, if I may so write. He is the Zerah Colburn of thought; childlike in manner and feeling, and yet reaching by intuition, points and extremes of ratiocination which others could not so well accomplish after days of labor, if indeed they ever could. I have received a very kind note inviting me to pass an evening with him, but another engagement prevented my accepting.”

Later, he wrote: “Another morning was devoted to Carlyle. His manners and his conversation are as unformed as his style and yet, withal, equally full of genius. In conversation he piles up thought upon thought, and imagining upon imagining, till the erection seems about to topple down with its weight. He lives in great retirement, I fear almost in poverty. To him London and its mighty maze of society are nothing; neither he nor his writings are known. Carlyle said the strangest thing in the history of literature was his receipt of fifty pounds from

America, on account of his ‘French Revolution’ which had never yielded him a farthing in Europe and probably never would. I am to meet Leigh Hunt at Carlyle’s.”

“I have often,” he wrote, “met Hallam, the historian, at the Athenæum. I was standing the other day by the side of a pillar, so that I was not observed by him, when he first met Phillips, the barrister who visited America during the last summer; and he cried out, extending his hand at the same time: ‘Well, you are not tattooed really!’ Hallam is a plain, frank man, but is said to be occasionally quite testy and restless. Charles Babbage, himself one of the most petulant men that ever lived, told me that Hallam once lay awake all night till four o’clock in the morning, hearing the chimes and the watchman’s hourly annunciation of them. When he heard the cry, ‘Four o’clock and a cloudy morning’, he leaped from his bed, threw open his window, and, hailing the terrified watchman, cried out: ‘It is not four o’clock; it wants five minutes of it!’ and after this volley at once fell asleep.”

Again: “A few evenings ago I dined with Hallam. He is a person of plain manners, rather robust, and wears a steel watch-guard over his waistcoat. He is neither fluent nor brilliant in conversation; but is sensible, frank and unaffected. After dinner we discussed the merits of the different British historians, Gibbon, Hume and Robertson. Of course Gibbon was placed foremost.”

“Said Barry Cornwall to me yesterday while he held in his hand a lovely little boy: ‘Have you any such beautiful *pictures* as this?’ What fine sentiment comes from married folks! And, indeed, a lovely child is a beautiful picture. I loved the poet more after he had put me that close question. His gentle countenance, which seemed all unequal to the energy which dictated ‘The sea! The sea!’ was filled with joyous satisfaction and love; and he hugged the boy to his bosom.”

And so these charming sketches run on; many of them show the good heart of Sumner, revealed in the comment he makes upon what he saw. They all show a tender regard for his friends. He was enjoying England himself, but he was careful by long and almost daily letters to share the pleasures and profits of his trip with those who had sympathized with his ambition to see these countries or had aided him to it in a more substantial way. Judge Story, his ever faithful friend and mentor and his excellent wife, both loving him hardly less than their own son, Professor and Mrs. Greenleaf, scarcely behind them in affectionate regard, Hillard and Longfellow and Lieber, his early and constant friends, as well as the members

of his own family, all had abundant proof of this kind of his unchanging affection for them.

His letters from England alone, that have been preserved, cover about one hundred and forty closely printed octavo pages. And some others that are known to have been written have not been found. They were all written, in the abandon of friendship, with the freshness and enthusiasm of youth, and with no view to publication. He never reclaimed any of them and his only care seemed to be lest they should fall into unfriendly hands and the freedom with which they were written should be abused. Those who received them handed them to others and by this means they were read by a wide circle of friends.

While in London he was useful to some of his friends in other ways. Francis Lieber had just completed his "Political Ethics" and was desirous of having it published in England. Sumner undertook to accomplish this for him and succeeded in making a satisfactory arrangement. He also volunteered to distribute copies of it to influential friends of his own and to have it reviewed in some of the leading periodicals. He procured a publisher for Judge Story's "Equity Pleadings" and had Prescott's "Ferdinand and Isabella", then just issued, reviewed and sought in other ways to gain for it a favorable reception in England and Scotland. All these services were gratefully acknowledged; and his efforts for a recognition of Prescott, whom he had not known before, was the commencement of a lasting friendship.

His letters abound in evidence of his interest in affairs at home. In his quiet hours there often passed over him thoughts of his deserted law office and of the trains of business cut short which seemed a little while before to be bearing him on to fame and fortune. He wrote of Dane Hall and the Law School, the hardly confessed hope of his future, of the pretty firesides in Cambridge, where he had always found a welcome seat, where rare intelligence presided and "the merry laugh went round". Whatever interested these friends interested him,—far away,—their marriages, the births of their children or the death of one of them. How he sorrowed with them! Hillard's only child had died, a little boy, two years old. The news reached Sumner a month later after an all-night's ride from Holkham to London. He could not rest till he had written. The joyous letters he had sent to him, all unconscious of his sorrow, how they would seem to flout his grief. He tenderly sought to smooth away the sorrow of the parents, with thoughts of the society there would be to them, of the richest kind, in the cherished image of the dear one whose body had been taken away, his own

pure spirit mingling with the goodness and greatness that had gone before, he escaping the toils and trials, which would, perhaps, if he had lived to encounter them, have made him mourn that he was born; and he reminded them of the gratitude they owed to God for casting such a sunbeam across their path even though followed by the darkness of their present sorrow.

Why should Sumner's friends not love him, with all his kindness and consideration for them? Their letters to him were full of congratulations upon the success he was everywhere meeting. They felt themselves honored in the representative they had abroad and they wrote him to go on and see everything he could and then come home and in the quiet walks of his former days, tell them all about his journey. They planned his future for him, in the office and in the school, both he and they little thinking how different it would be. Underneath all the hope expressed, there was a lurking fear that he might be spoiled, by all this novelty and excitement, for the practical, work-a-day life of home. But he went on following the present with all his ardor, delving into the rich mines of English life and story, content to take care of the future when it came.

He had invitations from the judges to attend them upon all the circuits. The social season of London was closing, the people of wealth and position from all parts of the kingdom, who habitually come there during the winter months, to enjoy some recreation away from their estates, amid the gayeties of the metropolis, were departing. A number of them invited Sumner to visit their country seats. With Parliament and the courts closed, the theatres empty, the clubs deserted, his friends gone and the hot season of the year at hand, the city could have few attractions, while the country with its pure air, with persons and places full of interest easily drew him away.

He left London on the twenty-fourth day of July, 1838, and remained away till the fourth day of November following. The intervening months were as industriously employed as any since he had left home. His route lay westward into Cornwall, thence North, through the western counties, into Scotland, spending three weeks there and a week in Ireland, and returning to London from the North through the eastern counties. On the way he was introduced to many people of eminence and was entertained at some of the most considerable houses of the kingdom.

The season of the year was the best that could be chosen for this trip. As he started away, the trees were in full leaf, the meadows and cultivated gardens were green and fields, whitening for the harvest, were nodding in the sunshine. The journey

was performed mostly by coach and private conveyance, over excellent roads. The varying landscape he passed was beautiful. The occasional ruggedness of the scenery, everywhere softened by centuries of the civilizing work of man, the fertile farms and broad estates, never monotonous, seldom mounting to the ruggedness of a hill or mountain, but rolling quietly away; the busy marts of trade and manufactures, interspersed between with neat country villages; grim, castled halls frowning from some eminence; pretty cottages, with prim little gardens hedged in, and well kept out-buildings, peeping out of every shaded dell; still flowing rivers winding through quiet fields, and around all the white-capped waves of the ocean, dashing themselves against a rugged and rocky coast, altogether made one of the most beautiful pictures that the human eye could witness.

Sumner went first to Guildford where he met the Home Circuit and dined with Lord Denman and the bar, then to Winchester and Salisbury, stopping at the latter place to see the cathedral. He visited Old Sarum and Stonehenge, peculiar relics of antiquity, supposed to be remains of an ancient temple and altar of the Druids. Thence he went to Exeter and then to Bodmin, where he met the Western Circuit. At Bodmin he found Follett and Wilde, two leaders of the London bar, there on business. Together with Sumner they were the guests of the bar, at a banquet where his health was proposed and he made an impromptu response. He saw much of these two men in England and was entertained by both of them. They deserve more than a passing notice.

William Webb Follett was then only forty years of age, youthful in appearance and manner, and a most lovable person. As a speaker he was fluent, graceful and distinct with an agreeable voice; uniformly bland, courteous and conversational in style. He seemed to have a genius for the law; in stating a legal proposition or arguing a case he was at home. Yet, as was unusual, he was equally successful in that very different kind of oratory, parliamentary eloquence. Calls for him were frequent upon the floor of the House and he was listened to with marked attention. He had carefully mastered the elements of the law, but his knowledge of other subjects, politics as well, seemed to be superficial. His practice at this time was large; Sumner thought he had an annual income of fifteen thousand pounds and it was generally allowed that he would be made Lord Chancellor upon the accession of his party to power, so great was his popularity. But he died at the early age of forty-seven, having been successively a Member of Parliament,

Solicitor-General and Attorney-General. Had his health been spared he would doubtless have reached the highest places in his profession. He was a singularly kind, considerate and obliging man and these traits contributed greatly to his success. Sumner received many courtesies from him and was attached to him.

Thomas Wilde, the other of these friends, was then fifty-six years of age. Sumner wrote of him: "After his entrance to the profession, he was guilty of one of those moral delinquencies which are so severely visited in England. I have heard the story, but have forgotten it. In some way he took advantage of a trust relation, and purchased for himself. He was at once banished from the Circuit table. A long life of laborious industry, attended by the greatest success, has not yet placed him in communication with the bar; and it is supposed that he can never hope for any of those offices by which talent and success like his are usually rewarded. I think it, however, not improbable that the government, in their anxiety to avail themselves of his great powers, may forget the past; but society will not. He does not mingle with the bar,—or if he does, it is with downcast eyes and with a look which seems to show that he feels himself out of place. He is the most industrious person at the English bar; being at his chambers often till two o'clock in the morning, and at work again by six o'clock. His arguments are all elaborated with the greatest care; and he comes to court with a minute of every case that can bear upon the matter in question. In the Common Pleas he is supreme, and is said to exercise a great influence over Lord Chief Justice Tindal. He once explained to me the secret of his success; he said that he thoroughly examined all his cases and, if he saw that a case was bad, in the strongest language he advised its adjustment; if it was good he made himself a perfect master of it. He is engaged in every cause in the Common Pleas. In person he is short and stout, and has a vulgar face. His voice is not agreeable; but his manner is singularly energetic and intense,—reminding me in this respect of Webster more than any other person at the English bar. If you take this into consideration in connection with his acknowledged talents and his persevering industry, you will not be at a loss to account for his great success. I have been told that he was once far from fluent; but now he expresses himself with the greatest ease. His language has none of the charms of literature; but it is correct, expressive, and to the purpose. In manner, to his friends, he seems warm and affable. To me he has shown much volunteer kindness. I have conversed with him on some points of professional conduct, and found him entertaining very ele-

vated views. He told me that he should never hesitate to cite a case that bore against him, if he thought court and the opposite counsel were not aware of it at the moment."

Notwithstanding the prediction of the fatal consequences of Wilde's early mistake, his talents and industry did at last reap their merited reward; After he was fifty-eight years of age, he became successively Solicitor-General, Attorney-General, Chief Justice and finally Lord Chancellor; and was then raised to the Peerage.

From Bodmin, Sumner passed farther into Cornwall to visit the High Sheriff at his castle, and then he returned to the coast, to Plymouth, to view the spot, always of interest to him as the point of departure of the Pilgrims on their passage to the bleak shores of Massachusetts; now one of the great naval arsenals of the kingdom. Here a barge was placed at his disposal, so that he could visit the ships in port and an officer was also detailed by the Commander of the largest vessel, to show him the shipyards.

From Plymouth, through Devon, he passed to Taunton in Somerset, where he spent two days, the guest of Sydney Smith, master of English wit and literature, at his pretty cottage, Combe Flory. He had met Smith in London, where they became friendly, and he was invited to visit him at home. Here, with this prince of conversation, was entertainment. On leaving, his host gave him a book to remind him of his visit and also a list of his essays published in the Edinburgh Review and elsewhere, characterizing the essays as containing "liberal sentiment expressed always with some wit". Sumner urged Hillard to publish an American edition of these essays. Such an edition has since been issued.

Sumner met the Western Circuit again at Wells and was there the guest of the bar. From Wells he went to Bristol and Chester. Here Justice Vaughan, who was then holding court called him to his side on the bench. From Chester he went to Liverpool, where Baron Alderson, of the Northern Circuit was holding the assizes. He had never met him, but he brought letters of introduction from Justice Vaughan, Lord Brougham and others.

There has been frequent opportunity in these pages to note the friendly relation of members of the English bar to each other. There seemed to exist among them the tie of a guild or fraternity, an introduction to whose circle gave to the recipient whatever of courtesy and kindness the membership could contribute. Sumner met many men of other professions in England to whom he was indebted for kindness, but the narration of

his journey shows that he was under the greatest obligation to the bar. The members seemed to vie with one another, while he was on the Circuits, in passing him on from place to place, and in opening each avenue of interest to him, toasting and feasting and introducing him, though knowing him only as an untitled member of the bar. They recognized in him a quiet, self-respecting, appreciative American of their profession.

The same tie exists among lawyers in the United States, but this kindly feeling is not so prevalent. It is to be regretted that in America so little time is given to the amenities of the profession. There is so much "vim, vigor and victory" and so little of quiet, friendly communion; the hustler fills so large a place and the equally industrious man, who often does more and better work, with less noise and friction, attracts so little notice! How the homely wisdom of poor Oliver Goldsmith is to be envied, going off with some friends, to the green fields with a biscuit in his pocket, to spend a "shoemaker's holiday", in the shade of a tree or on the bank of some stream. If it were to obtain oftener among members of the bar how many of the hard places it might soften and how much of bitterness and needless asperity it might remove! Conflict is an essential part of the business of the profession, but much of the bitterness it engenders is unnecessary.

Sumner found no end of good cheer in Liverpool. The first day he attended a banquet given by the city authorities to the judges; the second day he dined with the judges to meet the bar; the third with the Mayor of the city; the fourth with the bar. "I have a thousand things to say to you," he wrote to Judge Story, "about the law, circuit life and the English judges. I have seen more of all of them probably than ever fell to the lot of a foreigner." At a banquet in Liverpool, in responding to a toast proposed by Baron Alderson, he attracted the attention of Robert Ingham, the Member of Parliament for South Shields, and he was invited to become his guest at his town and country homes, during the sitting at Newcastle of the British Association for the Advancement of Science. Thither we went on the twenty-second of August, 1838. On a headland jutting out upon the German Ocean, with its waves lashing the rocky coast, stood Westhoe Hall, the seat of his host. It overlooked Tynemouth Priory, whose sturdy but graceful arches were the witnesses of the centuries since the Conquest.

Robert Ingham was one of the purest and best of men, a Member of Parliament for a quarter of a century, not brilliant, but a sensible, conscientious representative of the people. Sumner attended the meetings of the British Association as his

guest during the week they continued. The intervals of the meetings were pleasantly spent with Ingham and his friends. As showing the style of English country life, his host invited fourteen gentlemen to meet Sumner and to spend the evening at Westhoe Hall and there they all remained the whole night.

During the banquet at the close of the meetings of the Association, he was called out by the President, the Bishop of Durham, proposing the health of the distinguished foreigners present and singling him out by some complimentary remarks. He responded in a short speech, which was reported in the Newcastle papers. It was afterwards copied into the Boston papers. Thus in other ways the news of his success abroad reached the Boston public.

At the adjournment of the Association, by the invitation of the Bishop of Durham, he accompanied him in his carriage to his house, Auckland Castle. This is the seat of the most powerful Bishop of England. He remained there two days and then went to visit the Recorder of Newcastle at Harperly Park. Here he spent two days more, riding with the young ladies on horseback, enjoying excursions over the country and the visits in the neighborhood,—delightful days, when all were young—with spirits buoyant and happy and care thrown away. They entertained him with their tales of the chase and of their mad rides and the leaps of their horses over fences and ditches, in the fox-hunts common in the locality. His own curiosity was easily aroused to attempt the sport himself.

Two days more he spent with the Member of Parliament for Northumberland, at Oakwood, on the Tyne, twelve miles from Newcastle and then he went to shoot grouse with Archdeacon Scott on the moors of Whitfield Rectory. The venerable Archdeacon loaned him a hunting shirt and a pair of rough shoes and thus clad, in his company, for the clergy in England are skilled in the sports of the field, they started out for a hunt on the moors and fells. The dogs started several coveys of grouse and partridges, but Sumner and the Archdeacon maintained that both their guns missed fire and, hence only, they failed, through the whole day, to bring down a single bird. This mischance is not to be wondered at, in Sumner's case, of whom it is not recorded that he ever shot a gun before, but it is damaging to the reputation for sportsmanship of a clergyman of the Established Church. It is not mentioned that the Archdeacon killed anything, but it is recorded with due solemnity, in the Gamebook of Whitfield Rectory, that Sumner killed *one hare*.

From Whitfield Rectory, on the Archdeacon's horse and attended by his groom, Sumner splashed, through showers of

rain over the moors and valleys of Northumberland, to Brougham Hall. This was the country seat of Henry, Lord Brougham, former Lord Chancellor of England. Joseph Parkes had introduced them in London and the acquaintance which followed, renewed again in 1857, was a pleasant one to Sumner. He was asked to visit Brougham Hall, when on the Circuits, and reached there, wet and tired, about the middle of the afternoon of September sixth. As soon as he made known the discomforts of his trip, he was shown to his apartments and enjoyed a complete change of clothing. Who has not felt the warmth and glow that dry clothes and comfortable entertainment bring over one's spirit, after such a trip? The very fatigue of the journey seemed to give way to a pleasurable sensation of health and vigor, produced by the exercise of riding in the open air.

The evening, and the next day, Sumner spent with Lord Brougham. His mother was still living and had her home with him. She was an interesting lady, eighty-six years of age and a niece of the historian Robertson. Lord Brougham was one of the marked men of his generation.

He was born in Edinburgh in 1779, of an ancient Westmoreland family and was educated at the high school and university of his native city. Before graduation he received high credit for proficiency in scientific studies. As a boy he was very ambitious and of great activity both of mind and body, but was inclined to be more diffuse than exact in his studies. He read law and commenced to practise in Edinburgh and, by his earnestness and vigorous fighting propensities, soon became prominent, especially in the defence of a class of cases then very common, suits for libel. He was one of the founders of the Edinburgh Review and continued for twenty years to be one of its regular contributors. He early removed to London and there reached the highest rank in his profession. He became Lord Chancellor in 1830 and continued to hold the office until 1834. He died in 1868, eighty-nine years of age.

He was a man of great concentration and industry, of remarkable attainments and besides the work of his profession and his office was the author of several books of permanent value. But it is as an orator and a member of the House of Lords that he is best remembered. He advocated the abolition of slavery and the dissolution of the Canning Ministry and was active in the cause of popular education and in political and legal reforms. As an orator, he was intensely in earnest, the fire of his spirit revealed in his eye, his arms swinging easily but forcibly and his long index finger seeming to point out with

striking directness the wrong which he condemned. Sumner heard his closing speech for the emancipation of the slaves. It is difficult to tell the effect of that speech upon Sumner's fortunes. It was one of the crowning, by some thought to be the greatest, effort of Brougham's life. It left a deep impression upon Sumner and reminding him of his own country, suffering from the same cause, it was probably one of the controlling incidents of his life.

Brougham Hall had been the seat of Lord Brougham's family for centuries and though his life was largely passed in Edinburgh and London, here for years he spent the vacations of the courts and Parliament, not in polite idleness, but in secluded application, to the cultivation of literature. Here his books were mostly written. Sumner found him then engaged upon a translation, from the original Greek, of Demosthenes' oration for the crown. It was an ideal spot for the cultivation of literature, such a one as would have delighted Sir Walter Scott,—a courtyard surrounded with battlements, long halls and airy rooms. The library was a beautiful apartment, with panels of old oak and a rich ceiling of the same material, emblazoned with numerous heraldic escutcheons in gold, a beautiful bow window commanding the fair lawn and terraces about the house and the distant mountains, in whose bosom lay the far-famed lakes of England. Here Sumner sat, while his host dashed off more letters than the ten the law allowed him to frank.

A friend, an old clergyman, came in soon and together they dined, Lord Brougham's mother presiding at the table, with an apparent touch of motherly pride, in the greatness of her son. After dinner the three gentlemen sat until late at night, engaged in conversation, or rather the other two in listening to the torrent of Lord Brougham's about his contemporaries, his anecdotes of them, about America and Americans and books. He had one habit that Sumner characterized as "bad and vulgar beyond expression,—I mean *swearing*". He added; "I have dined in company nearly *every day* since I have been in England, and I do not remember to have met a person who swore half so much as Lord Brougham;—and all this in conversation with an aged clergyman!"

The next morning Sumner took his departure. Lord Brougham already had his books down, ready for work. He franked a letter for Sumner to Hillard, thanked him for his visit, shook him cordially by the hand, apologized for not accompanying him to the door, and before he had left the library, Lord Brougham's head was down, absorbed in his work.

From Brougham Hall, Sumner went to Keswick to see the poet Wordsworth, where on September 8, he wrote Hillard: "I have seen Wordsworth! Your interest in this great man, and the contrast which he presents to that master-spirit (Brougham) I have already described to you, induce me to send these lines immediately on the heels of my last. How odd it seemed to knock at a neighbor's door and inquire, 'Where does Mr. Wordsworth live? Think of rapping at Westminster Abbey and asking for Mr. Shakespeare or Mr. Milton! I found the poet living as I could have wished, with worldly comfort about him and without show. His house was not large or so elegant as to draw the attention from its occupant; and more truly did I enjoy myself, for the short time I was under his roof, than when in the emblazoned halls of Lord Brougham. The house is situated on the avenue leading to Rydal Hall; and the poet may enjoy, as if they were his own, the trees of the park and the ancestral cawing of the rooks that almost darkened the air with their numbers. His house and grounds are pretty and neat; and he was so kind as to attend me in a turn round his garden, pointing out several truly delightful views of the lakes and mountains. I could not but remark to him, however, that the cawing of the rooks was more interesting to me than even the remarkable scenery before us. The house itself is unlike those in which I have been received lately; and in its whole style reminded me more of home than anything I have seen in England. I took tea with the poet, and, for the first time since I have been in this country, saw a circle round a table at this meal; and, indeed, it was at six o'clock, when always before in England I have been preparing for dinner. I mention these little things in order to give you a familiar view of Wordsworth. I cannot sufficiently express to you my high gratification at his manner and conversation. It was simple, graceful and sincere. \* \* \* I felt that I was conversing with a superior being; yet I was entirely at my ease. He told me that he was sixty-nine,—at an age when, in the course of nature, the countenance loses the freshness of younger years, but his was still full of expression. Conversation turned on a variety of topics; and here I have little to record; for there were no salient parts, though all was sensible, instructive and refined."

Sumner carried a letter of introduction to Wordsworth from Washington Allston, the artist. Professor Cleaveland of Bowdoin had given him a letter to Sir David Brewster. He had expected to see Southey at Keswick, but he was absent making a tour of the Continent. At Wordsworth's house, how-

ever, he met and dined with Southey's daughter. From Keswick he went to Melrose, where Sir David Brewster lived. He was an experimental philosopher and author of a life of Sir Isaac Newton.

Sept. 12, 1838, Sumner wrote: "I am now the guest of Sir David Brewster, and am writing in my bedroom, which looks upon the Tweed and Melrose Abbey and the Eildon Hills. Abbotsford is a short distance above, on the opposite side; while the cottages of Lockhart, and that fast friend of Scott, Sir Adam Ferguson, are within sight. I spent the whole of to-day in rambling with Sir David about Melrose, noting all the spots hallowed by Scott's friendship or genius, and finally paying my pilgrimage to his tomb at Dryburgh Abbey. At dinner we had Sir Adam Ferguson himself and Mr. Todd,—the latter a Scottish Judge, and an old friend of Sir Walter, as well as Sir Adam. I need not say to you how inexpressibly interesting was the whole day, passed in such company,—observing house after house in whose hospitality Sir Walter had taken pleasure, and whose plantations he had watched; then regarding with melancholy interest, the simple sod, in the midst of some venerable ruins, which covers his precious dust. And what a crown was it, of the whole day, to dine among his chosen friends,—to hear their simple, heart touching expressions of regard, and the numerous narrations, all untold in print which serve to illustrate his character and genius."

From Melrose Sumner went to Craig Crook Castle, the home of Lord Jeffrey, then the managing editor of the Edinburgh Review, where he spent a portion of a day. He reached Edinburgh on September twentieth, and here and in the neighborhood he spent nine days. During this time he received constant attention from Lord Jeffrey and his nephew, Thomas Brown, whom Sumner had met in Canada during his tour in 1836. Brown shortly after that visited Boston and there the acquaintance ripened into intimacy. It is unnecessary to add that the best circles of Edinburgh were opened to Sumner, when his own ability to make friends was supported by Lord Jeffrey. He had written Sumner in advance, rather disparagingly of his prospect, regretting that all the lawyers were off on their vacation, shooting grouse. But the sequel showed his fears were groundless, for Sumner was entertained every evening of his stay, saying nothing of breakfasts, and was besides obliged to decline many invitations. Sumner liked Lord Jeffrey.

He wrote to Hillard: "Jeffrey against all the world! while in Edinburgh I saw much of him and his talent, fertility of

expression and unlimited information (almost learning) impressed me more and more. He spoke on every subject, and always better than anybody else. Sydney Smith is infinitely pleasant, and instructive too; but the flavor of his conversation is derived from its humor. Jeffrey is not without humor, but this is not a leading element. He pleases by the alternate exercise of every talent; at one moment by a rapid argument, then by a beautiful illustration, next by a phrase which draws a whole thought into its powerful focus, while a constant grace of language and amenity of manners with proper contributions from humor and wit, heighten these charms. I have been fortunate in knowing as I have known,—aye, in knowing at their hearths—the three great men of the Edinburgh Review—Smith, Brougham and Jeffrey. But there is a fourth,—John A. Murray, the present Lord Advocate of Scotland. It was Murray who gave the motto, at which Sydney Smith laughed,—‘*Judex damnatur cum nocens absolvitur*,’—from Publius Syrus, though he was innocent of having read Syrus.”

From Edinburgh Sumner went to visit his friend, the nephew of Lord Jeffrey, Thomas Brown, at his home, Lanfire House, near Kilmarnock, Ayrshire. He remained there five days, recalling former scenes and making new friends, reading in the library or enjoying the beautiful prospects from its windows, rambling about the woods, extending for more than a mile on either side of the house, or riding about the estate, so extensive that one might go twenty miles without passing beyond its limits. Here amid Highland scenery he also enjoyed the festivities of a Highland wedding.

In the contrast between the life of Brown and his uncle, Lord Jeffrey, there is illustrated a fact too often overlooked by Americans. Brown was an easy-going young man of ability but without a definite aim in life. He was well educated and, as a son of the sister of Lord Jeffrey might be expected to be, of fine literary taste and on intimate terms with such men as Talfourd, the eminent barrister, essayist and judge of Edinburgh. He had travelled much, was an easy conversationalist, full of anecdote and a delightful companion. He spent a good deal of his time in Edinburgh and London at the clubs, of which he was a member, in dignified and elegant idleness.

On the other hand his noble uncle, Lord Jeffrey, was a toiling barrister and author, the chief editor of the Edinburgh Review in its best days. He opened a new era in English Literature and rose to the rank of an eminent Scottish Judge. As a reviewer he has had no superior. He was the early, and, to

the end of his life, the intimate friend of Carlyle, whom he found a struggling young author of talent, but without a reading public, and he opened the columns of the "Review" to him and assisted him to recognition; he first saw and criticised privately and published the inimitable article on "Burns." Carlyle recognized the debt and after they were all gone he permanently associated Lord Jeffrey's name with those of his wife and father in his volume of "Reminiscences".

He has given us this description of him: "Jeffrey rose into higher and higher professional repute. \* \* \* I honestly admired him \* \* \* was always glad to notice him, when I strolled into the courts, and eagerly enough stepped up to hear if I found him pleading; a delicate, attractive, dainty little figure, as he merely walked about, much more if he were speaking; uncommonly bright black eyes, instinct with vivacity, intelligence, and kindly fire; roundish brow, delicate oval face, full of rapid expression, figure light, nimble, pretty, though small, perhaps hardly five feet in height, wore his black hair closely clipt."

It is sad to notice, in contrast, the later picture Carlyle gives us of him,—burdened with the cares of his judicial office, in ill health, the vivacity and grace of his early days gone, wearing out and breaking down, how it brought back the pregnant remark of Talfourd, on a career at the bar: "A life of success though a life of excitement is also a life of constant toil in which the pleasures of contemplation and society are sparingly felt and it sometimes leads to a melancholy close."

The life of Lord Jeffrey illustrates a fact we sometimes forget, that the nobility of Great Britain are by no means an idle class. Their lives are frequently full of strenuous exertion. In their great houses, upon their extensive estates, with the number of their servants and dependants around them, necessary to the successful and profitable management of their property, they often approach a style of living akin to royalty. But it has been well said that a great estate is no sinecure if it is to be kept great. The heads of these houses are often perplexed with cares that the quiet passer little heeds nor long remembers. The most of the enjoyment falls to the lot of the young members of their families, like Sumner's friend Brown, who had not yet come to the care of the estates. But they are usually trained to good habits and a correct mode of life, in anticipation of future responsibilities and usefulness.

Brown's father and mother were still living. She reminded Sumner of her brother Lord Jeffrey. She manifestly had some of his tastes, for Sumner remarked that the walls of the

library at Lanfire House were full of books from the floor to the ceiling.

Sumner reluctantly left this delightful retreat. He went to Dumbarton, nestling on the river Clyde, at the foot of the famous fortress-crowned rock that gave its name to the town. Like a great frowning Gibraltar it seemed to have protected the town from the feuds of former years.

Talfourd had taken for the summer Glenar buck Cottage, about four miles from Dumbarton. Sumner visited and dined with him there. He was invited to be his guest while at Dumbarton, but this he had declined and having spent a day wandering over his wild grounds and along the Clyde, he pursued his way to Strachur Park, on Loch Fyne, opposite Inverary. This was the home of Murray, the Lord Advocate of Scotland. It was in the heart of the Highlands, on one of those lovely sheets of water that give a charm to the scenery. It was surrounded by mountains whose ragged forms were mirrored at his feet in the clear waters of the loch. He crossed Loch Lomond and by the moon's light rowed over Loch Katrine; and visited the island of the "Lady of the Lake," embalmed all of them, in scenes of Scott's minstrelsy.

" No pathway meets the wanderer's ken  
Unless he climb with footing nice,  
A far projecting precipice  
The broom's tough roots his ladder made.  
The hazel saplings lent their aid;  
And thus an airy point he won,  
Where, gleaming with the setting sun,  
One burnished sheet of living gold,  
Loch Katrine lay beneath him roll'd,  
In all her length far winding lay  
With promontory, creek, and bay,  
And islands that empurpled bright  
Floated amid the livelier light,  
Where mountains that like giants stand  
To sentinel enchanted land."

Sumner reached Stirling, a city like Dumbarton, on October seventh. The fortress crowning the eminence two hundred and twenty feet above the plain in which the city stands, was built centuries before, and around it, more than any other in Scotland, rolled the waves of Highland warfare. Its pride antedated the union of the two kingdoms.

From Stirling he went to Glasgow and then crossing the Irish Sea he spent some days in Dublin, the guest of Lord Morpeth, then Chief Secretary, but afterwards Lord Lieutenant of Ireland. This was the beginning of a lifelong friendship.

From Dublin he returned to England, reaching Yorkshire on October twenty-first. He spent the next two weeks in visiting at three of the most famous country seats in the kingdom,—Wortley Hall, the seat of Lord Wharncliffe; Wentworth House, the seat of Earl Fitzwilliam and Holkham House, the seat of Earl Leicester.

"I have passed three agreeable nights at Wortley," he wrote Judge Story. "Before I came here, Lord Morpeth told me that I should find Wentworth magnificent and Wortley comfortable. And you may conceive an English Peer's idea of comfort when I tell you that Wortley Hall is a spacious edifice, built by the husband of Lady Mary Wortley Montagu. I do not know an edifice like it in the United States, with extensive domains. Wharncliffe Park, which belongs to it, contains of itself eighteen hundred acres, in which the deer are ranging. Everything about it is elegant."

Sumner reached Wentworth House on the evening of October twenty-fourth after dark, as the family were going in to dinner. He was at once shown to his room, by the groom of the chambers, and having dressed got into the dining-room just after the disappearance of fish and found a place reserved for him by the side of Lady Charlotte, the eldest daughter of his host, Lord Fitzwilliam. There were twenty-five or more at table. In the chapel that evening at prayers there were about fifty servants constituting the household establishment. The house and estate once belonged to the great Earl of Strafford and many of the books in the library contained his autograph. There too were all the papers of Edmund Burke,—his letters, essays and unpublished manuscripts.

It should be added here that Lord Fitzwilliam at whose seat, Wentworth House, Sumner was now visiting was the descendant and legal representative of Thomas Wentworth, the Earl of Strafford of the reign of Charles I, who as Lord Deputy of Ireland had governed that country with great administrative ability, but at the same time with almost intolerable severity and whose "thoroughness" was again called into requisition to suppress the Scots who had revolted against the King. In the struggle of the Commons against the King, Strafford was impeached, condemned to death and beheaded. Among the art treasures of Wentworth House, was an original portrait of the great Earl by Vandyke, which Sumner admired. His "wonderful features" were thus preserved to posterity on the estates he had founded and in the halls once familiar with his presence.

At Wentworth Sumner was invited by Mr. Thompson to

spend a day, before going to Holkham House, at his home Fairfield Lodge near York, whence he could visit the famous Minster. He had already seen Salisbury and Durham cathedrals. He confessed that these famous structures made a deep impression upon him. As he expressed it he was when looking at them "in communion with no single mind,—bright and gifted though it be,—but with whole generations", and the voiceless walls seemed to speak, and the olden time, with its sceptred palls, to pass before him. He accepted Mr. Thompson's invitation, but in viewing York Minster he was to be disappointed. He saw it on a rainy day, when it was inconvenient to be out and the view of its height and proportions was obscured, so the pleasure, he had experienced on viewing Salisbury and Durham cathedrals, was lost.

Farther along the road to Holkham he stopped at Boston, "not famous Boston," he wrote, "where I first drew the breath but the small place on the distant coast of Lincolnshire, whence John Cotton, 'whose fame was in all the churches', went to settle our New England." He saw the old parsonage which Cotton had left for the woods of America and tapped at the back door, with a venerable triangular knocker, the same doubtless the hands of the Puritan preacher had known before he forsook the soft cushion of the Established Church and that "fine Gothic pile", the parish church of Boston, built in the time of Edward III, on which so many centuries had since shed their sunshine and pelted their storms.

Sumner reached Holkham House on the first of November, 1838. The owner of the estate, Thomas William Coke, Earl of Leicester, had inherited it from his uncle, who was a descendant of Edward Coke, Lord Chief Justice of England, and author of the *Commentaries upon Littleton*. The present Earl, was eighty-six years old though he lived to be ninety. He had a long and distinguished Parliamentary career and was the friend of America. He moved for the recognition of the Independence of the Colonies and accounted this act in his Parliamentary career the proudest event of his life. He was the warm friend of Fox and in early life of Brougham. His monarch, George IV, visited him at Holkham and familiarly called him "Tom", and Fox, "Charles". But withal he was an enthusiastic farmer and devoted much time upon his estate to the improvement of agriculture and was reputed to be "the first farmer of England". His seat, where Sumner was now his guest, was one of the most famous in England.

"This house," Sumner wrote Hillard, "has not the fresh magnificence of Chatsworth (the princely residence of the Duke

of Devonshire), the feudal air of Raby and Auckland castles, or the grand front of Wentworth; but it seems to me to blend more magnificence and comfort, and to hold a more complete collection of interesting things, whether antiques, pictures or manuscripts, than any seat I have visited. The entrance hall is the noblest I have ever seen; and the suite of apartments is the best arranged for show and comfort that can be imagined. With the doors open you may look through a vista of eleven spacious rooms; and these of the most agreeable proportions and adorned by the choicest productions of the pencil" (by Titian, Claude, Vandyke, Raphael, Da Vinci and Rubens among others).

From Holkham, Sumner went to London, reaching there November fourth, 1838, and at once found himself among friends and in the social whirl of the metropolis. "Put two Bostons, two New Yorks, two Philadelphias and two Baltimores together," he wrote, and you may have an idea of London. "The extent and variety of the life of the place is truly wonderful. Among banks it is the clearing-house of the world; in commerce and letters, it is its capital. Nowhere else is there such an accumulation of learning and ability and wealth. Its extent is so vast and its life so complicated that one might spend his life there and still feel that he did not know the half of it." Sumner had spent two months there before and he was now to remain four more, not to see it all, but to see some persons and things of especial interest to him.

Soon after his return he had an opportunity of seeing Windsor Castle, the residence of Queen Victoria. In a letter to Hillard, he described life, in the house of the Queen, as he saw it. His description deprives it of a good deal of the pomp and circumstance, which the ordinary magazine articles have thrown around it.

"My day at Windsor," he wrote, "would furnish a most interesting chapter of chit-chat. I had the pleasure of making the acquaintance, at Lord Morpeth's table, of Mr. Rich, the member for Knaresborough, and the author of the pamphlet, "What will the Peers do?" He is one of the gentlemen of the bedchamber of the Queen; or as they are called under the virgin queen, gentlemen-in-waiting. He was kind enough to invite me to visit him at Windsor Castle, and obtained special permission from her Majesty to show me the private rooms. I went down to breakfast where we had young Murray, the head of the household, Lord Surrey, etc. Lord Byron, who, you know, was a captain in the navy, is a pleasant rough fellow, who has not many of the smooth turns of the courtier. He

came rushing into the rooms where we were, crying out, "This day is a real *sneezier*; it is a *rum* one indeed. Will her Majesty go out to-day?" Lord Surrey hoped she would not, unless she would ride at the "slapping pace" at which she went the day before, which was twenty miles in two hours. You understand that her suite accompany the Queen in her equestrian excursions. Lord Byron proposed to breakfast with us; but they told him that he must go upstairs and breakfast with the "gals,"—meaning the ladies of the bedchamber and maids of honor, Countess Albemarle, Lady Byron, Lady Littleton, Miss Cavendish, etc."

During the early days of December, Sumner visited Oxford and while there was the guest of Sir Charles Vaughan and occupied a room in the University. Returning to London on December thirteenth, after four days spent at Oxford, he left on the fourteenth to spend as many days at Cambridge. Here he dined with some of the Professors and in Trinity College with some of the undergraduates and Fellows, thus meeting many members of different degrees in the University. He was interested in the courses of study and in the discipline. Some of the tutors wrote out for him the requirements for degrees in some of the courses, which he preserved for use on his return home. He remarked the thoroughness of the examinations which he believed could not be passed without having completed the course according to the requirements. From Cambridge he went to Milton Park to spend Christmas and a portion of the holidays as the guest of Lord Fitzwilliam. He had been specially invited when visiting his Lordship at his other seat, Wentworth House, to visit Milton Park at this time, to enjoy an English fox-hunt. He wrote his impressions of this great national sport to Hillard.

"I am passing," he wrote, "my Christmas week with Lord Fitzwilliam, in one of the large country-houses of Old England. I have already written you about Wentworth House. The place where I now am is older and smaller; in America, however, it would be vast. The house is Elizabethan. Here I have been enjoying fox-hunting, to the imminent danger of my limbs and neck; that they still remain intact is a miracle. His Lordship's hounds are among the finest in the kingdom, and his huntsman is reputed the best. There are about eighty couples; the expense of keeping them is about five thousand pounds a year. In his stables there are some fifty or sixty hunters that are only used with the hounds, and of course are unemployed during the summer. The exertion of a day's sport is so great that a horse does not go out more than once in a week,

I think I have never participated in anything more exciting than this exercise. The history of my exploit will confirm this. The morning after my arrival I mounted at half-past nine o'clock a beautiful hunter and rode with Lord Milton about six miles to the place of meeting. There were the hounds and hunters and whippers-in, and about eighty horsemen,—noblemen and gentry and clergy of the neighborhood, all beautifully mounted, and the greater part in red coats, leather breeches and white top-boots. The hounds were sent into the cover, and it was a grand sight to see so many handsome dogs, all of a size, and all washed before coming out, rushing into the under-wood to start the fox. We were unfortunate in not getting a scent immediately, and rode from cover to cover; but soon the cry was raised ‘Tally-ho!’—the horn was blowed—the dogs barked—the horsemen rallied—the hounds scented their way through the cover on the trail of the fox and then started in full run. I had originally intended only to ride to cover to see them throw off, and then make my way home, believing myself unequal to the probable run; but the chase commenced, and I was in the midst of it; and being excellently mounted, nearly at the head of it, never did I see such a scamper; and never did it enter into my head that horses could be pushed to such speed in such places. We dashed through and over the bushes, leaping broad ditches, splashing in brooks and mud and passing over fences as so many imaginary lines. My first fence I shall not readily forget. I was near Lord Milton, who was mounted on a thoroughbred horse. He cleared a fence before him. My horse pawed the ground and neighed. I gave him the rein, and he cleared the fence; as I was up in the air for one moment, how was I startled to look down and see that there was not only a fence but a *ditch!* He cleared the ditch too. I have said it was my first experiment. I lost my balance, was thrown to the very ears of the horse, but in some way or other contrived to work myself back to the saddle without touching the ground (see some of the hunting pictures of leaps, etc.). How I got back I cannot tell, but I did regain my seat and my horse was at a run in a moment. All this you will understand passed in less time by far than it will take to read this account. One moment we were in a scamper through a ploughed field, another over a beautiful pasture, and another winding through the devious paths of a wood. I think I may say that in no single day of my life did I ever take as much exercise. I have said I mounted at nine and a half o'clock. It wanted twenty minutes of five when I finally dismounted, not having been out of the saddle more than thirty seconds

during all this time, and then only to change my horse, taking a fresh one from a groom who was in attendance. During much of this time we were on a full run."

"The next day had its incidents. The place of meeting for the hounds was fourteen miles from the house. Our horses were previously led thither by grooms and we rode there in a carriage and four, with outriders, and took our horses fresh. This day I met with a fall. The country was very rough and the fences often quite stiff and high. I rode among the foremost, and in going over a fence and brook together, came to the ground. My horse cleared them both and I cleared him, for I went directly over his head. Of course he started off, but was soon caught by Milton and a parson, who had already made the leap very successfully. \* \* \* \* Every day that I was out it rained,—the first day incessantly,—and yet I was fully unconscious of it, so interested did I become in the sport. Indeed sportsmen rather wish a rain because it makes the ground soft. We generally got home about five o'clock; and I will give you the history of the rest of the day that you may see how time passes in one of the largest houses in England. Dinner was early because the sportsmen returned fatigued and without having tasted a morsel of food since early breakfast. So after our return, we only had time to dress; and at five and one-half o'clock assembled in the library, from which we went in to dinner. For three days I was the only guest here,—during the last four we have had Professor Whewell,—so that I can describe to you what was simply the family establishment. One day I observed that there were only nine of us at the table and there were thirteen servants in attendance. Of course the service is entirely of silver. You have in proper succession, soup, fish, venison and the large English dishes besides a profusion of French *entrées* with ice-cream and ample dessert,—Madeira, sherry, claret, port and champagne. We do not sit long at table; but return to the library, which opens into two or three drawing-rooms and is itself used as the principal one, where we find the ladies already at their embroidery, and also coffee. Conversation goes languidly. The boys are sleepy, and Lord Fitzwilliam is serious and melancholy; and very soon I am willing to kill off an hour or so by a game of cards. Sometimes his Lordship plays, at other times he slowly peruses the last volume of Prescott's "Ferdinand and Isabella". About eleven o'clock I am glad to retire to my chamber, which is a very large apartment, with two large oriel windows looking out upon the lawns where the deer are feeding. There I find a glowing fire; and in one of the various easy-chairs sit and muse

while the fire burns, or resort to the pen, ink and paper which are carefully placed on the table near me."

On December twenty-eighth, Sumner was back in London again. On January sixth, 1839, he made an excursion to Stratford-on-Avon to spend a day among the scenes familiar in the early and later life of Shakespeare. He visited Kenilworth and Warwick Castles in the same neighborhood and extended his excursions as far as Birmingham. The remainder of his time till March twenty-second he spent in London. He had spent his time there before mostly with members of the bar and the judges; but now his acquaintance became more general and to this period must be referred the rich fund of reminiscence which London always recalled to him. His associations were with literary men, orators and statesmen, as well, of course, as members of his own profession. His letters do not indicate that he was much attracted to the fair sex, but occasional references reveal that he was not insensible to female beauty. Take, for instance, the description he gives of a dinner with the four granddaughters of Richard Brinsley Sheridan, daughters of his son Thomas, the poet.

"One of the pleasantest dinners," he wrote Hillard, "I ever enjoyed was with Mrs. Norton. She now lives with her uncle Mr. Charles Sheridan, who is a bachelor. We had a small company,—Old Edward Ellice; Fonblanque, whose writings you so much admire; Hayward; Phipps, the brother of the Marquis Normanby; Lady Seymour, the sister of Mrs. Norton; and Lady Graham, the wife of Sir John Graham; and Mrs. Phipps. All of these are very clever people; Ellice, whose influence is said, more than that of all other men, to keep the present ministry in power; Fonblanque is harsh-looking, rough in voice and manner, but talks with the same knowledge and sententious brilliancy with which he writes. But the women were by far more remarkable than the men. I unhesitatingly say that they were the four most beautiful, clever and accomplished women I have ever seen together. The beauty of Mrs. Norton has never been exaggerated. It is brilliant and refined. Her countenance is lighted by eyes of the intensest brightness and her features are of the greatest regularity. There is something tropical in her look; it is so intensely bright and burning, with large, dark eyes, dark hair and Italian complexion. And her conversation is so pleasant and powerful without being masculine, or rather it is masculine without being mannish; there is the grace and ease of the woman with a strength and skill of which any man might well be proud. Mrs. Norton is about twenty-eight years old and is I believe a grossly slandered woman. She has

been a woman of fashion and has received many attentions, which doubtless she would have declined had she been brought up under the advice of a mother; but which we may not wonder she did not decline, circumstanced as she was. It will be enough for you, and I doubt not you will be happy to hear it of so remarkable and beautiful a woman, that I believe her entirely innocent of the grave charges (of improper intimacy with Lord Melbourne, the Prime Minister) that have been brought against her. I count her one of the brightest intellects I have ever met. I whisper in your ear what is not to be published abroad, that she is the unaided author of a tract which has just been published on the 'Infant Custody Bill' and purports to be by Pearce Stevenson, Esq, *nom de guerre*. I think it is one of the most remarkable things from the pen of a woman. The world here does not suspect her, but supposes that the tract is the production of some grave barrister. It is one of the best discussions of a legislative matter I have ever read. I should have thought Mrs. Norton the most beautiful woman I have ever seen, if her sister had not been present. I think that Lady Seymour is generally considered the more beautiful. Her style of beauty is unlike Mrs. Norton's; her features are smaller and her countenance lighter and more English. In any other drawing-room she would have been deemed quite clever and accomplished, but Mrs. Norton's claim to these last characteristics are so pre-eminent as to dwarf the talents and attainments of others of her sex who are by her side. Lady Seymour has no claim to literary distinction. The homage she receives is offered to her beauty and her social position. Lady Graham is older than these; while Mrs. Phipps is younger. These two were only inferior in beauty to Mrs. Norton and Lady Seymour. In such society you may well suppose the hours flew on rosy pinions. It was after midnight when we separated."

In the same vein was the description Sumner gave of the speech of the young Queen Victoria at the opening of Parliament. Through the kindness of Lord Morpeth, he was accommodated with a place at the bar,—he thought it the best place occupied by any person not in court dress. Prince Louis Bonaparte was behind him. He enjoyed the sight, as at the coronation, of the peeresses as they took their seats in full dress, resplendent with jewels and costly ornaments. The room of the House of Lords was not large and made them all seem within a short distance of him, so that his view was good.

When the Queen entered with the crown, which seemed too heavy for one so young, on her head, she was attended by the

great officers of state and there were great guns sounding and trumpets blowing, which added to the scene. She took her seat with quiet dignity, and with a voice not audible by those at any distance directed the House of Commons to be summoned. But she retained all eyes; her face was flushed with excitement, her hands moved nervously on the golden arms of the throne and her gloves could not conceal the trembling fingers. She was a Queen, but her little, ill-suppressed nervousness showed she had still the heart of a woman and vindicated her relationship to us all. Yet she bore herself well—Sumner thought these little things were not noticeable to the audience generally, and they delighted him with her far more than if she had sat as if cut in alabaster.

The Commons came thundering in and after they had been seated and quiet was restored, her Majesty commenced reading her speech, which the Lord Chancellor had handed her. At first her voice was inaudible. It was not till she was a third through that she spoke sufficiently loud for him to understand what she said. But after that every word came to him in such silvery accents, with a voice so sweet and finely modulated, every word distinctly pronounced and with such just regard for its meaning, that Sumner thought he had never heard anything better read in his life. After it was over he could but agree with Lord Fitzwilliam's ejaculation to him, "How beautifully she performs!" In the evening the House of Lords met for business and Sumner heard the Lord Chancellor read the speech again and he remarked how unlike that of the girl Queen was the reading of her Lord Chancellor.

As Sumner's stay in England drew to a close, he bade good-bye to many pleasant acquaintances and on the night of March twenty-second crossed the English Channel to Boulogne.

During his travels in England he heard some estimates of his countrymen which he records as mutually interesting to them and to himself. Sydney Smith wrote him that he had a great admiration for Americans, that he was pleased with their honesty, simplicity and manliness and that he had met a great number, who were agreeable and enlightened. Samuel Rogers, the poet, in speaking of them to an English friend, admitted that they were generally very agreeable and accomplished men, but insisted that there was too much of them, that they took up too much of the time of the English. In a still different vein is an incident that Sumner himself met with. He was at a dinner with Mr. William Theobald, the author of a legal treatise on "Principal and Surety", where he was invited to meet Rogers, Kenyon, Hayward, Courtenay, Mrs. Shelley and

some others. Sumner talked a good deal with Mrs. Shelley, whom he found to be a very nice, agreeable person, of great cleverness. She said that the greatest happiness of a woman was to be the wife or mother of a distinguished man. But what amused Sumner most of all, was an expression that broke from her unawares. They were speaking of travellers who violated social ties and published personal sketches, when forgetting he was an American, she broke out: "Thank God! I have kept clear of those Americans." Sumner did not seem to observe what she said and she soon after atoned for it.

As he was leaving England he recorded his impressions of her people. What is called society there he thought was better educated, more refined and more civilized than what is called society in the United States. He insisted that what he called society must not be confounded with individuals, that he knew *persons* in America, who would be an ornament to any circle, but that there was no *class* of Americans that would compare with the circle which constituted English society, that the difference in education in England, where everybody understood French and Latin and Greek, was very much against the Americans. He thought the true pride of America was in her middle and poorer classes, in their general health and happiness, and freedom from poverty; in their opportunities for education and for rising in the social scale. He agreed with Charles Buller, who was best pleased with all below the "silk-stockings classes."

## CHAPTER VIII

TO PARIS AGAIN—EMPLOYMENT THERE—NORTHEAST BOUNDARY  
—JOURNEY TO ROME—COMPANIONS—HIS FATHER'S DEATH  
—STUDIES—GREENE, CRAWFORD—FLORENCE—VENICE

SUMNER reached Boulogne on the morning of March 23, 1839, and at once proceeded by coach to Paris. On the road he travelled with an English Member of Parliament, who, mistaking him for an Englishman, talked very freely about the Americans. Sumner, with sly humor, enjoyed the thrusts, that were being made at his countrymen, and forbore to correct him.

He remained in Paris until April 20th: "I am here," he wrote, "simply *en route* for Italy; but I could not be in this charming place without reviving some of my old acquaintances, and once more enjoying the splendid museums and galleries and sights." He attended the operas and theatres and revived his recollections of the beautiful buildings and streets by revisiting most of them. One day he passed at Versailles where with melancholy interest he saw the exquisite conception of Joan of Arc, sculptured by poor Mary of Orleans, whom he had seen a year before, a bright, beautiful and interesting princess. Lord Morpeth had commended him to Lord Granville, the English Minister at Paris, by whom he was kindly received. General Cass, our Minister, to whom, on leaving home, it will be remembered he had been made a bearer of dispatches, also showed him some attentions. Lord Brougham was there. He was attached to Sumner, as Sumner was to him, and many were the hours they passed pleasantly together. Thorn's balls were then among the great attractions in Paris and invitations were eagerly sought. It illustrates Sumner's opportunities, when *Lord Brougham* addressed him a note asking *Sumner* to get him an invitation, which he did.

Sumner found some serious employment to occupy him during his stay in Paris. The question of the Northeastern Boundary, between Maine and Canada, had assumed alarming proportions and threatened war between the United States and England. The trouble arose from the equivocal marks of the original surveys, made at an early day when they were of little importance. It was finally settled by the Treaty of Washington,

negotiated in 1842, by Mr. Webster and Lord Ashburton, in which the original lines were abandoned and an arbitrary one established by mutual agreement. When Sumner came to Paris there was a feeling with General Cass and the members of his legation that the American argument was not understood in England and upon the Continent. There was a wish to have some one prepare and publish a careful statement of it. General Cass did not care himself to undertake this and others to whom application was made declined the task. The choice finally fell on Sumner and he undertook the work.

He wrote an elaborate article that was published in "Galignani's Messenger", the longest ever till then published in that journal. It had a circulation of eight or ten thousand on the Continent and a thousand copies were ordered, to distribute to Members of the English Parliament. Mr. Hume, then a Member, was so much interested in the article that he undertook to distribute these copies. Sumner also wrote about thirty letters on the subject to persons of prominence in England, of his acquaintance, and was besides able to interest Lord Brougham.

This work gained Sumner some fame at home. The State of Maine had originally been part of Massachusetts; hence her people were familiar with the merits of the controversy. Sumner's article was reprinted and discussed in the Boston papers and commented on among public men. An incident, connected with the discussion, threatened an interruption of the friendship between Sumner and Lord Brougham. Some conversation of Sumner with one Walsh, in Paris, touching the views of Lord Brougham, as expressed about that time to Sumner, were misrepresented and were printed in disparagement of the remarks of his Lordship in the House of Peers. Lord Brougham complained of this to Sumner, who promptly published a contradiction of Walsh's article and condemned it as false. This was entirely satisfactory to Lord Brougham and the affair served at last to cement their friendship.

Sumner left Paris for Lyons, by the mail coach on April twentieth and, after a short rest there, travelled on in the same tedious way to Marseilles. He embarked there for Rome, on May third, 1839. At the commencement of his voyage, he fell in with three young Frenchmen of rank, with whom he travelled, not without profit to himself, till he reached Rome. They placed their money in the hands of one of their number to pay their bills. Selected probably for his superior thrift, it was remarkable with what nicety he drove their joint bargains, aided by the humorous but shrewd wisdom of his companions. They

spoke French among themselves. This was an advantage to Sumner; for he was obliged to speak it too, and thus revive and extend his knowledge of the language. All their excursions, at the various places stopped at, along the road, were made together;—together they passed two days at Genoa, wandering among its palaces and groves and enjoying its paintings; together from Leghorn they made a delightful trip to Pisa, climbing to the top of its leaning tower and admiring the cathedral. They were together at the dirty little seaport, Civita Vecchia, and at the beautiful Bay of Naples, “with its waters reflecting the blue of heaven and its delicious shores studded with historical associations,” together they went to Pompeii, treading the beautiful mosaics; and together they wondered at the frescoes and marbles of its houses, and strolling among the columns and arches of its Forum, they asked themselves where, among living cities, could such things be found as adorned this child of the ages? They climbed Vesuvius and “saw the furnace-like fires which glowed in its yawning cracks and seams.” They visited Capua, “shorn of all its soft temptations and with difficulty found a breakfast of chocolate and bread where Hannibal’s victorious troops wasted with luxury and excess.” Thence they drove, passing over the Pontine Marshes and the Alban Hills, to Rome, where they arrived on the twenty-first of May. Here they separated.

At Rome the tidings of his father’s death reached Sumner. He died on April twenty-fourth, after a lingering illness of some weeks, sixty-three years of age. A life of confinement, with the cares of a large family, on an income much of the time small, with few relaxations and no considerable success, afflicted by poor health, towards its close, had rendered him cold and cheerless and somewhat rigid and exacting. He had few of the traits which attract the hopeful moods of the young. His life could furnish little to satisfy their dreams and dazzling ambitions. He had, at the last, too little sympathy for such sentiments. But he was a just man, scrupulously honest, in every business transaction. A tinge of suspicion never touched his integrity. Everything he did was with the greatest exactness. Even his scholarship was of this character. It was thorough and systematic. He was as fearless as he was conscientious. There must be no shrinking from the performance of any duty. The right must be maintained and he was willing to be first to support it. But it would be asserted without unnecessary roughness; for he was always a gentleman and maintained a just regard for the feelings of others. Taken for all in all, his was a

careful, painstaking, conscientious life, with little in it for self.

Sumner in childhood had been repelled by his father's cheerless moods. As he grew older the breach seemed to widen and after his admission to the bar, partly in consequence of this, he did not live at home. Yet there was no open rupture, only a coldness and want of sympathy, between them. Charles was obedient and a son in whom the father had sufficient cause for pride. But his aspirations were high—higher probably than the father thought time would justify. He saw life more soberly. The father did not approve his trip abroad and did not aid it. On leaving for Europe, Charles had remonstrated with his father, against his strictness with his children, and urged him to give greater opportunities, than he was, to those that remained at home. The suggestion was not kindly received. While he was in Europe, his brother Henry had been made deputy-sheriff, by the father's appointment, and Charles expressed his regret, wishing something better for his younger brother. The circumstance was irritating to the father, in his condition of health. Charles wrote once to him, from Europe, but his letter was not answered and he did not write again. Considering his toils and sacrifices, the father probably felt that these apparent criticisms were unjust to him. Coming under such circumstances, his father's death was peculiarly sad to Charles. It grew sadder with his years. The traits that before repelled him dwindled in importance and the real merit of the father grew upon him. He felt that he had not given him the consideration he deserved.

And how often it is that death brings unavailingly back to our remembrance kind words that might have been spoken but were not. Charles thought that it would have gladdened the heart of the father to know that the best he could do, striven for manfully, was at least understood and appreciated in the spirit it was done,—that it would have soothed his last hours, with life all behind, reflecting on its trials and its sacrifices, to know, ere he went away, that those nearest to him felt the worth of the long days' work; and that it was not thrust aside and overlooked, in the wish for something more that he had not been able to do.

He was cast down by the news. But the friends at home, in the same letters that conveyed the intelligence of his father's death, urged him to let it make no change in his plans. The father had always managed his business and property with such care, that there was really little for any one to do, in settling up his affairs. The education of his younger brothers and sis-

ters was a matter of more concern to him. But he reflected that his mother was there and that her good judgment, aided by the advice of friends, would accomplish all that he could hope to do. She knew his wishes. So he concluded to follow the advice given him and finish his trip according to his original plan.

He spent the summer in Rome, remaining there until the middle of August. His time was employed differently from what it had been in England, where he had devoted most of it to making acquaintances, seeing society, the courts, cathedrals and universities and great country seats. In Rome many of his letters of introduction were unused, he saw little of society and had only a few friends. George W. Greene, the U. S. Consul at Rome, was one of them.

"My habits," he wrote, "were simple. Rose at half-past six o'clock, threw myself on my sofa, with a little round table near, well covered with books, read undisturbed till about ten, when the servant brought, on a tray, my breakfast,—two eggs done *sur le plat*, a roll and a cup of chocolate; some of the books were pushed aside enough to give momentary place to the tray. The breakfast was concluded without quitting the sofa; rang the bell and my table was put to rights, and my reading went on till five or six o'clock in the evening, without my once rising from the sofa. At five or six, got up, stretched myself and dressed to go out; dined in a garden under a mulberry tree, chiefly on fruits, salads and wines, with the occasional injection of a soup or steak; the fruits were apricots, green almonds and figs; the salads, those of the exception under the second declension of nouns in our old Latin Grammar; the wines, the light, cooling, delicious product of the country. By this time Greene came to me,—in accomplishments and attainments our country has not five men his peers,—and we walked to the Forum or to San Pietro, or out of one of the gates of Rome. Many an hour have we sat upon a broken column or a rich capital, in the Via Sacra or the Colosseum, and called to mind what has passed before them, weaving out the web of the story they might tell; and then leaping centuries and seas, we have joined our friends at home and, with them, shared our pleasures. After an ice-cream, we parted; I to my books again; or sometimes with him to his house where, over a supper, not unlike the dinner I have described, we continued the topics of our walk. This was my day's round, after I had seen the chief of those things in Rome that require midday, so that I was able to keep the house."

Sumner revived his knowledge of Latin. But the acquisi-

tion of the Italian was the primary object and it was to this that he devoted himself with such diligence. He soon acquired it. Before he left Italy, he had read the most famous works of the language in the original. This was a great source of pleasure to him. However faithful a translation may be, there is always much of the beauty of the original lost to one who cannot read the work in the language the author left it. He also learned to talk the language; so he could understand all that was said to him in a conversation and likewise make himself understood. The fellow travellers he met and the servants in the hotels where he stopped, after leaving Rome, used the language with him, instead of French, the common one among strangers, thus unintentionally complimenting his Italian. He always maintained his familiarity with French and Italian and made frequent use of both in later life.

Among the artists he met in Rome, and the one to whom he became most attached was Thomas Crawford, a native of New York. He was then obscure and unknown to fame, struggling for perfection and recognition in his chosen profession. He was a man of talent and industry and became one of the famous American artists. He designed and executed the statue of Liberty that crowns the dome of the National Capitol at Washington and the equestrian statue of Washington on the State House grounds in Richmond, Va. He was then poor and down-hearted and dispirited, at his want of success. Sumner, with his quick appreciation for struggling merit, became his enthusiastic friend, encouraged him to go on and sought by every means to secure for him the recognition he deserved. He praised his work, gave him an order for a bust of himself and wrote enthusiastically of him to Hillard and other friends at home, urging them to try to secure orders for him. Orders did come afterwards in abundance; and when Sumner visited Europe again in 1857, he found Crawford in the full realization of fame, but, as sometimes happens, too sick to enjoy it. He was fading away, in the blight of a slow disease, and died a few months later, at the age of forty-four, his life probably shortened, and his career ended too soon, by early disappointments.

Among Sumner's pleasant experiences at Rome, was an excursion he made with his friend Greene to the convent of Palazzuola, situated on the site of Alba Longa, amid precipices and impenetrable forests, overlooking the beautiful Alban Lake. Its situation was so inaccessible that no vehicle could approach within two miles of it. It was a delightful refreshment during the heated season of the year to lounge in its spacious halls,

to wander in the shade of its rocks and trees and to bathe in the waters of its lake. They remained here several days, having had assigned to them three apartments each, a bedroom, a cabinet and an antechamber. Sumner's antechamber was vaulted and covered with arabesques. The arched ceilings and the walls of the other two rooms were painted so as to resemble the stone walls of a hermit's cell, while at the post of his bed, hung the beads and the crucifix of a monk. The library of the monastery contained about a thousand volumes in Latin and Italian, all ancient works in parchment. To examine such a library was a treat to the lover of curious books. Sumner took them down one by one, some of them he found bottom upwards and apparently with the dust of centuries upon them. The librarian told him there were no manuscripts but he found more than a dozen. The standard work on geography represented England as composed of seven kingdoms. America as belonging to Spain, with Boston as the capital and Vera Cruz as the chief commercial centre.

The convent belonged to monks of the Franciscan order, one of the most rigid of the Roman Church. They wore neither hats nor stockings and only sandals on their feet. The rest of their dress consisted of a coarse woollen cloak or robe. They subsisted by charity. "One of their number," Sumner wrote, "lately was begging for corn of a farmer, who was treading out with oxen the summer's harvest. The farmer in derision, and as a way of refusing, pointed to a bag, which contained a load for three men and told the monk he was welcome to that if he would carry it off. The monk invoked St. Francis, stooped and took up the load and quietly carried it away. The astonished farmer followed him to the convent and required the return of his corn. His faith was not great enough to see the miracle. It was given up but, the story coming to the ears of the governor of the town, he summarily ordered the restoration of the corn to the convent."

The time Sumner had allowed for his stay in Rome passed quickly. His days were absorbed with study and his evenings with one or two congenial friends. The middays on account of their heat at this season were not the best for sight-seeing; but the mornings and evenings sufficed. Removed from care, absorbed with books and friends, sweet peaceful days,—he always remembered those three months in Rome as one of the delightful periods of his life.

From Rome he went to Florence, passing four days and a half on the road, a journey now with the aid of railroads easily made in an afternoon. But then it was made by coach. Among

his travelling companions was Signor Ottavio Gigli, with whom he became well acquainted. He was a young scholar, of about Sumner's age, engaged in literary pursuits and well acquainted in Rome and Florence. At the latter place he introduced Sumner to several authors of note. The friend in Florence, whom Sumner most enjoyed was Horatio Greenough, an American sculptor, then in the full tide of his career. He was engaged upon a statue of Washington and a bas-relief, "The Rescue", both for the Capitol. Sumner admired both, especially the latter.

"It is intended to represent," he wrote, "the surprise of a white settlement by the Indians. On the ground is a mother clasping her child, in order to save it from the uplifted tomahawk of an Indian who stands over her, but whose hand is arrested, by a fearless settler, who is represented on a rock, so that the upper half of his body appears above the Indian. \*\* The woman is on the ground, so that she does not conceal the Indian, who is naked, except an accidental fold about his loins, and the settler, who appears above the savage, restraining his fury, is dressed in a hunter's shirt and cap. The passions are various,—the child, the mother, the father, the husband, the savage, the defender, etc.; all the various characters being blended in the group." The piece as completed now adorns the east front of the Capitol at Washington.

Sumner ranked Greenough as a man of eminence in his profession, superior to any other artist then living. He was a man of infinite pains. His "Washington" was on his hands eight years and "The Rescue" fourteen. "They build for immortality," Sumner wrote "who calmly dedicate to a work so much time." Sumner also met Powers, another American sculptor, at Florence, and spent some time at his studio. He did not, however, admire his work so much. But wherever he went, his heart still turned to Crawford. He sought to interest others in him. At his solicitation, Gigli promised to visit him and write of his work, in some Italian journals.

From Florence, Sumner went to Venice, stopping by the way successively at Bologna, Ferrara, Rovigo and Padua. At Venice, he spent a week, plying her watery ways, while the gondoliers timed the strokes of their oars to the music of their songs. As he stepped into his boat one day a little boy asked him if he should not go along and sing Tasso. It was an enchanting place and he gave himself up to the enjoyment of it. He attended the theatres and operas and strolled under the arcades of the great Piazza. He had brought letters to some of the influential people but they were left undisturbed in his port-

folio. His time was too short and the beauties of the ancient and decaying capital too attractive to neglect them, for the acquaintance of an hour.

He left Venice on the thirtieth of September, 1839, for Milan, passing on the way through Padua, Verona, Brescia and Bergamo, travelling by coach two nights and a day. The first part of the journey was through a blinding rain. "All that night," he wrote, "we rode in the midst of a tremendous storm. It is exciting to rattle over the pavements of villages, towns and cities in the dead of nights; to catch, perhaps, a solitary light shining from the room of some watcher, 'like a good deed in a naughty world;' and when you arrive at the gates of a city, the postilion winds his horn, and the heavy portals are swung open, it seems like a vision of romance. Nor is it less exciting in earlier evening, when the shops and streets are bright with light, and people throng the streets, to dash along." Sumner had tasked himself, while in Italy to six hours' study of the language each day and he continued it through his days of journeying. If his companions were weary or tedious, or the scenery uninteresting, his book was at hand and he turned to it. He was ready to lay it aside when anything of interest appeared.

It is curious to note the books he read while in Italy. "Dante," Tasso's "Gerusalemme," Boccaccio's "Decameron," Politian's "Rime," the tragedies of Alfieri, the principal dramas of Metastasio, Lanzi's "Stonia Pittorica," Machiavelli's "Principe", Tasso's "Aminta", Guarini's "Pastor Fido", some of Monti, of Pindemonte, of Parini, Botta's histories, Boccaccio's "Corbaccio" and "Fiammetta". These were read before he left Rome. After that he read: Manzoni's "Promissi Sposi", Petrarch's "Rime", Ariosto, all of Machiavelli except his tract on "War", Guicciardini's "Storia", Manzoni's tragedies and "Rime", the principal plays of Niccolini, Nota and Goldoni, the autobiography of Alfieri. Besides this he read the newspapers, American, English, French and Italian that came in his way.

Sumner reached Milan on the morning of October second and remained there until the sixth. At noon of that day, Sunday, he left by the mail coach for Munich, going by way of the Stelvio Pass, over the Alps to Innsbruck. A friend whose acquaintance he made in Milan offered him a seat in his private carriage, for the journey to Munich, a distance of about five hundred miles, but he put aside the tempting offer and chose instead the slower and less luxurious public conveyance that he might mingle more with people along the road and pick up their

language and customs. The road led him through the magnificent scenery of the Alps, surpassing any he had seen before. It lay through the region of the glaciers and perpetual snow. At midnight they halted for a little sleep at Santa Maria, a thousand feet below the summit. Though twelve hours before he had left the plains of Lombardy, glowing with the warmth and sunshine of a beautiful autumn day, he slept that night, amid sharp winter, in an inn, with double windows, under heavy coverings on his bed, to which he added the weight of his cloak. And yet he was so bitter cold, that before morning he was glad to warm himself, by ascending the mountain on foot. He reached the highest point, eight thousand nine hundred feet above the sea, and crossed the Italian boundary just as the morning sun was gilding the tops of the mountains.

It was here, with dazzling glaciers near, that he bade farewell to Italy. The boundary was marked by a column, inscribed on one side "Regno Lombardo", on the other "Tyrolese Austria". He had passed it some distance when the thought came to his mind that he was leaving Italy; he hurried back to the border line, "looked in vain for those beautiful fields which seemed Elysian" to memory, said to himself that he should never see them again and taking off his hat made a last salute. His sole companion was "an elderly, learned, lean, pragmatical German". He heard his parting words and at once turned in the contrary direction and doffing his straw hat that covered his head, ejaculated; "Et moi je salue l'Allemagne."

"And yet," Sumner wrote to Greene, "I must again go to Italy. Have I left it forever? How charming it seems in my mind's eye! Pictures, statues, poetry, all come across my soul with ravishing power. Where do these words come from? They are of the thousand verses that are hymning through my mind with a music like that of the 'Dorian flutes and soft recorders'. All this is your heritage; to me is unchanging drudgery, where there are no flowers to pluck by the wayside, no green sprigs, fresh myrtle, hanging vines,—but the great grindstone of the law. There I must work. Sisyphus 'rolled the rock reluctant up the hill', and I am going home to do the same."

## CHAPTER IX

THE JOURNEY THROUGH AUSTRIA—VIENNA—METTERNICH—  
BERLIN—SAVIGNY—HEIDELBERG, MITTERMAIER, THIBAUT  
—LONDON AGAIN—HOME—RETROSPECT OF TRIP

SUMNER turned his face to the North. The prim little villages of the Tyrol, nestling among spurs of the Alps, with an air of antiquity about them, as his coach descended the mountains and whirled through them, looked like pictures of happy homelife. Nothing could be cleaner. Groups of happy children played in their streets, contented old men sat, in the peaceful autumn days, by the cottage doors. Laughing girls with fresh, German complexions and comely figures stole quiet glances at the strangers. At one of the stops of the coach, a fair Tyrolese, a little more daring and perhaps more fun-loving than the others, invited Sumner, through an interpreter, to waltz with her, to the music of some wandering Hungarians. Whether he accepted her challenge, he did not record. Perhaps not knowing how to waltz, he put it so, being too chivalrous to say that he declined.

He reached Innsbruck, Wednesday morning at ten o'clock, having spent three days and three nights on the journey from Milan. During this time he slept only three hours and a half out of the coach. He passed a day at Innsbruck and then journeyed on by the mail-coach a day and a half to Munich. Here he spent a week. A lady of his acquaintance from Boston was there. Sumner remarked that she was all French in her affectations and aped Continental ways in her dress and manners, particularly in her hair. She appeared at table in the dress of a dinner party making a contrast with the simple costume of some English gentlefolks who were there, among them Disraeli and his wife. The conversation had turned to "Vivian Grey", when she remarked, "There is a great deal written in the garrets of London." "I assure you," answered Disraeli, "'Vivian Grey' was not written in a garret."

Sumner enjoyed Munich. He visited the king's gallery of sculpture and also sought out the paintings and frescoes upon which the city prided itself. One of the large frescoes by Cornelius represented Orpheus begging Eurydice of Pluto. The group, especially the representation of Cerberus, impressed

Sumner as admirable. Knowing that Crawford was modelling an "Orpheus", he sent him a careful description of this fresco thinking it might furnish him some suggestions. Sumner had predicted that if Crawford completed his "Orpheus" as commenced it would be one of the best works of modern times. It was completed and Sumner's prediction has been verified. After its completion Sumner raised a subscription to procure a marble copy of it from Crawford to be placed in the city of Boston. But of this mention will be made in a future connection.

Sumner left Munich on the twentieth of October. Another day and night in the stage brought him to Passau. With an English friend, he here hired a little gondola and in it they dropped gently down the Danube, with the current, seventy miles to the city of Linz. The delightful ride, on the smooth gliding surface of the river, between banks at every turn opening up beautiful scenery, was a grateful respite from the dusty jolting of the coach. At Linz, they hired a carriage and in two days and a half, on the twenty-fifth day of October, 1839, they entered Vienna.

Sumner remained in Vienna a month, occupied, most of his time, in seeing the city and in studying the language. He went little into society and made few acquaintances. He was, however, invited by Prince Metternich, then First Minister of Austria, to a reception at his palace. This he attended and was received with consideration. The Prince inquired particularly about America and showed much interest in the country. He asked if he knew the Austrian Minister and requested Sumner to call upon him when in Washington.

The Prince was of a noble family and in early life represented his country as Ambassador at Paris, where he met the Emperor Napoleon. He became his warm admirer. Soon after his return from Paris he was made First Minister, and after the battle of Wagram he showed his capacity for management by bringing about the marriage of Napoleon to Marie Louise. He continued in office till 1848 and then resigned. When Sumner met him he was still in his prime, a large, fine-looking man and very affable.

With the kindness of some other friends and the favor of the Prince, Sumner felt the way was open for him to see much of society in Vienna. It was then the "most select home of aristocracy". But he left the city almost immediately. A night and a day of dismal riding brought him to Prague. Here he viewed its famous bridge and tower and the palace of its kings. Then another day and night brought him to Dresden,

where the beautiful paintings reminded him of Italy. From Dresden to Leipsic he travelled by railroad, the only travelling he did in this way while in Europe. One of the railway carriages was named "Washington",—a name, he remarked, that seemed to have a charm about it, wherever he went. Irving, when travelling upon the Continent, noticed on one occasion, that he was received as a person of no consequence, until his host discovered that his first name was "Washington", when inferring, from this circumstance, that he bore some relationship to the Father of his Country, he was thenceforth treated with marked consideration.

Another day and night from Leipsic brought Sumner to Berlin, where he remained until January ninth, 1840. Theodore S. Fay was then Secretary of Legation from the United States at Berlin. He was a young man near Sumner's age, quiet and unassuming in deportment, and of a lovable disposition. He was possessed of some literary ability and the author of several volumes, one of which he then had in press. Between Sumner and Fay there grew up a lasting friendship. It was useful to Sumner during his month's stay in Berlin, for Fay had access to the best circles of the Prussian capital. He introduced Sumner both at Court and to the Professors of the university and thus his stay was made profitable and pleasant.

In a few weeks Sumner could write: "I know everybody, and am engaged every day." He had seen all the distinguished Professors and had received some of them in his room. He knew Raumer and Ranke, the historians; of these he preferred Ranke, who had the most vivacity, humor and, as Sumner thought, genius. His "History of the Popes" was widely known and read and was being translated into English. Alexander von Humboldt, then engaged upon his "Cosmos", received him kindly. He was the reputed head of conversers in Germany and in this respect Sumner described him to his friends as, like Judge Story, "rapid, continuous, unflagging, lively, various". He had read Prescott's "Ferdinand and Isabella" and he and Ranke both spoke in the highest terms of it to Sumner. Humboldt was also an admirer of Edward Everett of Boston.

But the Professor, in the university, of whom Sumner gave the fullest description was Savigny. Sumner's still nourished ambition for a career in the Harvard Law School, would make this natural. Savigny was, at this time, at the head of the law department of the University of Berlin and Sumner considered him, by common consent, the leading authority on jurisprudence in Germany and, in truth, upon the whole Continent.

He was of noble birth and from early manhood had been a Professor of Law in various universities. From 1842 to 1848 he was Minister of Justice of the Empire. But his title to fame rests principally on his published works, particularly his work "On Obligations".

In personal appearance and manner Sumner thought he resembled Webster, more than any person he had ever seen. He was taller and not quite so stout, but there was the same dark face and hair and eyes; as he sat by Sumner and he caught his voice, he was startled by the resemblance to the Massachusetts Senator's. Savigny and Humboldt belonged to the *society* of Berlin, and were sought for, in the court and diplomatic circles, a distinction the other professors did not enjoy.

Sumner had looked forward to an acquaintance with Savigny. He was one of the European authorities upon the question of codification. More than twenty years before he had published a reply to Thibaut's argument in favor of a code. In Paris, Sumner was told, that he had modified his views upon this subject, but when he came to converse with him he was sorry to find that his informants were mistaken. He was as firm as ever in his opposition to codes. He listened kindly to Sumner's views on the subject, but when done, seemed unshaken in his own conclusions. He had read Judge Story's work on the "Conflict of Laws" and expressed his surprise that he was not on the Massachusetts committee to codify the Criminal Law, not reflecting that his other more important duties would prevent him from taking an appointment that would involve so much labor.

Through the kind offices of his friend Fay, Sumner met most of the foreign Ministers resident at Berlin and the diplomatic corps. He was kindly received by the Crown Prince and Prince William, both of whom became Emperors of Prussia, and their princesses. The Crown Prince seemed very cordial and inquired about the summers of New England and thought they must be magnificent. Sumner answered that he had thought so too, till he had been in Italy. But after all, Ranke, Humboldt, Savigny, great names still among the Germans, the elegant historian of the Popes, the author of *Cosmos* and the master of German jurisprudence,—these were the men Sumner admired! He knew them all!

From Berlin Sumner went to Leipsic, Weimar, Gotha, Frankfort and then to Heidelberg. He remained five weeks at Heidelberg, studying, reading and talking German. He enjoyed the ancient town beautifully located on the river Neckar, in the province of Baden, noted for its castle, the largest in

Germany, falling into decay, but rendered more attractive by the tints of its fading glory, and for its university, the oldest in Germany, founded in 1356, a worthy rival of that of Berlin. It had a greater reputation abroad, owing to the foreign students, who were attracted in great numbers to it, by the cheapness of living. Sumner humorously wrote that he had a hundred dollars and doubted not he was the richest person in the place. Professor Thibaut called him their "*grand seigneur*."

Sumner always felt at home when near a great university. He had been so constantly about Harvard. It is curious to note how his travels tended to Oxford, Cambridge, the Parisian Lecture Rooms, Berlin and Heidelberg and how he coveted an acquaintance among their professors. There is little mention to be found, in his letters, or diary of the trip, of the great statesmen of Europe. In the little that is said of them, there is still less of their character as statesmen, but the mention is mostly of them as men or as the owners of great houses or large estates. But his letters abound in references to books and schools. "You have thrown out some hints," he wrote Professor Greenleaf, "with regard to my occupying a place with you and the Judge at Cambridge. You know well that my heart yearns fondly for that place." His thoughts were all of a career in the Law School and as a law writer. A career in statesmanship seemed to be as far as any from him. How little he realized what the future had in store for him!

While editing the *Jurist* he had been brought into contact with Professor Mittermaier of Heidelberg. They had exchanged letters on subjects of mutual interest and the Professor had been asked to contribute to the *Jurist*. They now met for the first time and Sumner became intimate with him and his family. He had three bright boys for whom Sumner formed an attachment; one, the assistant of his father, died soon after Sumner's return from Europe, and in the correspondence, which was still continued with the father, he unbosomed his grief.

At Mittermaier's house Sumner met Professor Thibaut then near the end of his life. He was the most eminent advocate of codification in Europe. His father was a soldier and the son was designed for the same profession, but after one short campaign he abandoned it for his studies. As a young man, he was strong, finely formed, with a handsome face and head, enthusiastic in his studies and equally so in athletics. He became one of the first scholars in the university. After taking his degree he became successively Professor of Law at Kehl, Jena and Heidelberg. Sumner considered him second in attainments

only to Savigny. He early advocated a code for Germany and finally secured the adoption of one. Sumner considered himself fortunate, in being able to discuss the subject of codification with the heads of the two great schools, for and against it, Thibaut and Savigny. He heard their views from their own lips and had the honor of receiving calls from both of them in his room.

The practice of duelling was then at its height in the university. Sumner saw three duels with swords. The swords were first taken to a grindstone where they were ground sharp. With these weapons the combatants then met in an assembly-room where the students in large numbers were congregated, smoking and drinking. A doctor was also in attendance who very coolly smoked all the while. Thus attended, the combat proceeded, often with serious results. In one of them a combatant lost his nose, it being cut off by his antagonist at one blow. It was afterwards sewed on by the doctor for him; but he brushed it off twice in the night.

The practice of smoking was universal. "Everybody in Germany smokes," Sumner observed; "I doubt not, I am the only man above ten years old now in the country who does not." It was unpleasant for him, who did not use tobacco in any form. He often found himself shut up in a carriage where every one was smoking. It will readily be imagined how distasteful this was to him, when it is remembered he could hardly endure the confinement of a coach without the smoke. In his earlier days he was obliged to ride on the outside.

From Heidelberg, Sumner went down the Rhine to Cologne, thence to Brussels, Antwerp, London, where he arrived on the seventeenth of March and remained till the fourth of April. This was longer than he at first intended. His purpose was to stay only a few days, long enough to see two or three friends and arrange for his passage home. But how could he resist? "I am already," he wrote, "after twenty-four hours' presence, nailed for to-morrow to see the Duchess of Sutherland in her magnificent palace; for the next day to dine with Parkes to meet Charles Austin; the next to breakfast with Sutton Sharpe, to meet some of my friends of the Chancery bar, then to dine with the Earl of Carlisle; and the next day with Bates. Morpeth wishes me to see the Lansdownes and Hollands, but I decline."

The time slipped away. He knew so many people; had formed such pleasant acquaintances and there was still so much of interest to him in London, that it was hard to break away. London is more bewitching than ever," he wrote. "Have al-

ready seen many people,—the Lansdownes; Duke and Duchess of Sutherland (the most beautiful woman in the world); Mrs. Norton, Lady Seymour (both very beautiful); Hayward; Sydney Smith; Senior; Fonblanque; Milnes; Milman; the Grotes; Charles Austin (more brilliant than ever); the Wortleys, etc. But I must stop. I must now go to breakfast with Sydney Smith; to-morrow with Rogers; next day with dear Sir Robert Inglis; the next day with Milnes." This is a formidable list of well known people and shows Sumner's popularity in England. His last dinner was with Hallam, where were Milman, Babage, Hayward, Francis Horner, etc. He parted with many friends and received the most affectionate good wishes. Lady Carlisle and Ingham shed tears in parting with him.

He engaged passage for New York by the "Wellington" and embarked at Portsmouth, having as a fellow passenger Dr. J. G. Cogswell who was in Europe to place a grandson of John Jacob Astor in school and to make purchases for the newly projected Astor Library of New York, of which he had been chosen Librarian. Other fellow passengers were N. P. Willis, his wife and her sister. He reached New York on May third, 1840, after an absence of two years and five months. The journey cost him something more than five thousand dollars.

But it was one of the most profitable periods of his life, hardly less so than his years in college. He had studied and mastered successively the French, Italian and German languages. He had seen the great countries of Europe and mingled with their people. He had visited their great universities, made the acquaintance of their professors and saw their methods of instruction. He had seen the most famous art treasures of the world, the finest architecture of the present and the remains of the greatest of the past. But above all he had seen and heard and known many of the greatest men then living and whose names are now historic. He had before read their works and knew them, but what was this as compared with seeing the authors, meeting them in their homes and talking with them, face to face, so that every mention of them thereafter was to awaken a train of pleasant memories. It was largely due to the culture of those two years and a half that Sumner came afterwards to be known as the most accomplished man in the American Senate.

## CHAPTER X

WELCOME HOME—CAMPAIGN OF 1840—RESUMES WORK—OFFICE OF HILLARD AND SUMNER—PHILLIPS MATCH CASE—RIGHT OF SEARCH—PRACTICE—UNPROFESSIONAL STUDIES

FROM New York, Sumner went directly to the family residence in Boston. This was to be his future home.

A warm welcome awaited him. There had always been a strong affection between him and his mother and the death of his father seemed to make the tie even stronger than before. He was her eldest son, bearing his father's name, the best educated and the most substantial of all her children. She felt that she must look to him, as her adviser and mainstay. His sisters, Mary and Julia, had grown to be young women, during his absence. The loving expectancy with which they had hoped to entwine his life with theirs reached out to him at the threshold. His former law partner, Hillard, who alone had kept the office at Number Four Court Street, in his absence, was rejoiced at the prospect of dividing its confinement as well as its cares and labors. Sumner was a warm-hearted, genial, companionable man and a host of friends were glad to welcome him back. In homes where he had been familiar, as in Judge Story's and Professor Greenleaf's, he was received, as before, almost as one of the family.

The first weeks after his arrival were occupied with renewing acquaintances, calling upon friends and talking over the experiences of his trip. He felt little inclination to return to work at once, for his studies abroad, in Italy and Germany, had been so laborious that he needed rest and time to gather his thoughts home from his trip. The attorneys and judges were soon to be off on their summer's vacation and the courts being closed, little could be done then in a law office. During August, he spent a few days at Nahant, a seaside resort about fourteen miles from Boston, where he dined with William H. Prescott. Later in the same month he drove in a gig to Lancaster, a small village near Worcester, with Felton, who went to spend Sunday with his wife. On the way they stopped at Concord and dined with Ralph Waldo Emerson. When Sumner went to Europe, Emerson had given him a letter of introduction to Thomas Carlyle and each enjoyed this opportunity of

exchanging their recollections of him. Emerson was a constant correspondent of Carlyle. Sumner afterwards recalled Emerson's two interesting children, a boy and a girl, the latter playfully called by her father his "honeycomb".

The year of Sumner's return, from Europe, 1840, will ever be memorable for one of the most remarkable campaigns in the history of American politics. The Whigs had been out of office for twelve years and were correspondingly hungry; the Democrats having been as long successful were now under the control of a President who was a consummate political leader and they bore themselves with confident superiority. The Whigs nominated as their candidate William H. Harrison and the Democrats renominated Martin Van Buren. Harrison could be paraded as a "military hero," for he had about a quarter of a century before, been a soldier in the war of 1812, and in some skirmishes with the Indians, notably at Tippecanoe, had borne himself creditably. He could also pose as a political martyr, for he had been rather roughly recalled from a foreign mission, by Jackson to make a place for one of his favorites. At the time of his nomination he was living quietly on his farm in Ohio.

Corruption in public office was rampant. Van Buren was from the State of New York. Unfortunately the Collector of Customs at New York City had been found to be a defaulter to the amount of \$1,125,000, and the United States District Attorney for the State of New York was \$72,000 short. Harrison was the very man to be called, like Cincinnatus, from his plough to save the nation. There probably never was a political campaign of more noise and less sense than that which followed. Half the nation seemed to be turned loose to follow brass bands, in processions, and sing the doggerel of campaign song books. The Democrats in derision pointed to Harrison as a rough farmer, tilling his own land, living in a log cabin and drinking hard cider. The Whigs returned the taunt by saying, that Van Buren was living in a mansion, surrounded by thugs and jobbers and eating out of "gold spoons". The jibe of the Democrats was at least unfortunate. Thenceforward a log cabin, mounted on wheels, its sides decorated with coon-skins and a cider barrel at the door, the whole drawn by numerous teams of horses, swelled every procession. The cabin and cider barrel adorned every badge. They were the drawing symbols of a plain, honest life and the whole nation seemed to be marching to the tune of "Tippecanoe and Tyler too". Eloquence too was plentiful. A meeting was appointed in some grove, the people gathered in long processions, an ox was roasted whole,

to feed the assembled multitude and they were addressed by such orators as Henry Clay and Tom Corwin of the West and Daniel Webster of the East. The famous passage of Webster's; "It did not happen to me to be born in a log-cabin, but some of my brothers and sisters were", so familiar now to every schoolboy, was one of the products of the campaign.

Yet Sumner, at thirty years of age, was a silent witness of all this. The circumstance shows how little interest he then felt in the great arena in which his life was to be cast. Thus far he had taken no active part in politics. His father's inclination had been to the Whig party and this naturally was his. It was also natural for him to be repelled by the cries of corruption then raised against the Democrats and to be attracted by the pledges of the Whigs to reform the public service. The superior culture of such men as Daniel Webster, John Quincy Adams and Edward Everett, appealed strongly to the educated young men of Boston, in the choice of a party. Sumner probably voted for Garrison; but he had been abroad for two years and love of country rather than of any party was his predominant feeling, and it is not certainly known how he voted. He enjoyed many of the ludicrous phases of the campaign; but deprecated so much strife and faction as he saw. "There is so much passion," he wrote, "and so little principle, so much devotion to party and so little to country in both parties, that I think we have occasion for anxiety."

With the return of September, Sumner settled down to work in his office. The partnership with Hillard had never been dissolved, but as he had done all the work during Sumner's absence, he was allowed all the earnings. Sumner was resolved to be diligent. He wished to earn money and pay the debt he had contracted by his trip to Europe. He declined an invitation to deliver the Phi Beta Kappa oration at Bowdoin College, because it would require time that he could not now afford to lose from his business. He was punctually in his office from nine o'clock in the morning until six in the evening, with only the interval of an hour for dinner. He was at work upon the third volume of "Sumner's Reports," of Judge Story's decisions in the U. S. Circuit Court, which he got ready for the press by the middle of December. This with his professional engagements occupied his time. He did not appear in the trial of many cases. The practice of the firm of Hillard and Sumner does not seem ever to have been large. But his preparation for a trial was elaborate. He read widely and made numerous citations of authorities, in support of the positions he took in

the trial of his cases. He was always inclined to be more profuse than exact.

They had several friends who were instrumental in bringing them business. Rufus Choate, then in the enjoyment of well deserved fame as an advocate, had his office in the same building with theirs and occasionally dropped into their rooms, to indulge his fondness for the society of young men and his taste for talk upon literary subjects. Sumner's brief estimate of Choate, whose fame is fast becoming traditional, is interesting as the contemporary judgment of one who often witnessed his efforts. "His position here," he wrote, "is very firm. He is the leader of our bar, with an overwhelming superfluity of business, with a strong taste for books and learned men, with great amiableness of character, with uncommon eloquence and untiring industry." Choate and Webster procured Hillard and Sumner's employment in the boundary dispute between Massachusetts and Rhode Island. William W. Story was a student in their office and his father, Judge Story, when not absent from home engaged in his duties as a judge of the Supreme Court of the United States, frequently dropped in on them. They sometimes got clients who came to them because they thought that Judge Story's friendship for them might influence his judgment in their favor. Professor Greenleaf still kept a desk in the office and there met the clients he served. He procured their employment occasionally, notably in a suit brought to contest the patent right of the Phillips friction match, a litigation which was in court in more than one form and continued through four years. Professor Greenleaf withdrew from it early, leaving the responsibility of it with them.

In this case Sumner took an unusual interest. The stake at issue was large and the question a close one. It was to be tried before Judge Story in the United States Courts. A suit was brought to enjoin the use of the patent on a friction match, on the ground of the prior knowledge and use of the invention, by Sumner's client. Another suit was also brought, by his client, to recover damages for the invasion of his right to the invention. Depositions were taken by Sumner at various places and the testimony became very voluminous. The suit to enjoin the defendant was not tried until December, 1843, and the damage case not until 1844, in November. Judge Story decided the injunction case against Sumner's client. In the damage case they were more successful. It was tried to a jury and Sumner's client recovered a verdict. Judge Story ruled upon several important questions, in the trial of this case, against Sumner's client; and he was annoyed at Sumner's per-

sistency, in pressing them. But the jury seems to have thought more favorably of the case than the Judge. A motion to set aside the verdict was made, but, pending its hearing, the case was settled. Sumner took a leading part in the trial and it is considered his principal effort at the bar. He was opposed by Franklin Dexter, one of the ablest attorneys in Boston.

Another professional engagement that interested Sumner grew out of the right claimed by Great Britain to search American vessels. The slave trade had been abolished by England and all her vessels were forbidden from engaging in the traffic. She had a perfect right to search her own vessels, and see that the laws of England were not violated by her subjects; and she freely exercised this right. But some of her vessels still engaged in the traffic. To elude detection, such vessels when pursued would sometimes hoist the American flag and, under it, claim immunity from search. To break up this practice England adopted the rule and claimed the right to board every vessel upon the high seas, suspected and, by an examination of her papers, determine whether she was an English vessel or not. The result was that many American vessels were overhauled and detained and subjected to annoyances. A similar claim on the part of England had before this resulted in a war between the two countries, and this threatened to renew it. During the continuance of the practice, British vessels that had made these searches occasionally put into the port of Boston and were sued for damages by the owners of the vessels they had detained. The British consul retained Hillard and Sumner to defend them. Sumner took a deep interest in these cases and made a careful study of the international law upon the subject. With a view to influencing public opinion he wrote and published in the Boston Advertiser an elaborate argument in support of the right of "inquiry" as he called it. This article was replied to through the press and he published a rejoinder.

The subject has an additional interest here. It was another event in Sumner's life that called his attention to the enormities of the slave trade and aided in establishing his convictions early. The debate he heard in the House of Commons, upon the bill to abolish slavery in England, and his association with Lord Brougham, will be remembered in the same connection. These things, with the study they induced him to give the subject of slavery, prepared him afterwards to take the tide at its flood that led him on to fame and fortune. He had the deep conviction of leadership at a time when other men faltered. He was prepared to go right on, while they hesitated, to debate and by debating to be convinced that he was right.

But these were suits of exceptional interest with Hillard and Sumner. Their practice had nothing unusual, in either its character or its extent. It was not better than that of other young men and indeed was hardly so good. It consisted generally of making collections, of defending persons charged with petty crimes, before magistrates, and of writing depositions, where complaint was sometimes made that Sumner was not content to let the attorneys ask questions, but insisted upon asking some himself, so as to see that the witness told the whole truth. Sometimes like other young men they had other more important business. Once we know he charged a fee of six hundred dollars and his client agreed that it was no more than he had earned; a good fee even for these latter days. But such pay came seldom. His heart was not in his lawsuits. He felt that while by these things he was earning a living, his mind and heart were not being improved or invigorated.

He was ambitious; he was plunging nightly into history and biography; his thoughts were busy with the great and, in most cases, now impossible exemplars of history. He had a strong desire to fix his own name permanently in the remembrance of posterity. He felt that he was not accomplishing this, that none of the work he was doing, in his profession, could give him any enduring fame, that it might be well enough, for one who was intent merely on gaining a livelihood, but that he, with his ideals, with the resolutions he had formed for lofty endeavor and noble achievements, ought not to be satisfied with it.

At this time Sumner did not seem to desire public office. The sacrifice of personal independence, which he thought it involved, was distasteful. His thoughts were more of books and authorship and literary distinction. In 1842, a vacancy occurred in the office of Reporter of the decisions of the Supreme Court of the United States. He had some experience of this kind, in reporting the decisions of Judge Story upon the circuit. The judge desired to secure his appointment to fill this vacancy. At his suggestion Sumner considered the matter and while declining to seek the office he expressed his willingness to accept it, if it was offered to him. But he did not secure the appointment. It was made in the absence of Judge Story from Washington and unexpectedly. It would not have been a very fortunate appointment. Sumner was not a sufficiently accurate and painstaking and technical lawyer, and the other members of the court probably felt so and hence forestalled his appointment. But it was a disappointment to him and Judge Story, though it was fortunate for Sumner. The position is a permanent one with a moderate salary and would, in all probability, have occu-

pied his time, giving him in return for it a comfortable living in a place of some dignity, till the productive period of his life was past. Had he obtained it, we would probably have known him by the print of his name upon the volumes he reported, but the enduring work he did in the Senate and his orations and published writings would have been lost. A kindlier Providence than he then saw, withheld it from him.

This was a turning period in Sumner's life. His wish for a place in the Law School at Harvard was not so strong as it had been. His vision of distinction as a jurist or judge or writer on legal subjects was vanishing. His attention was being attracted more to practical men and measures aside from the law. He had thoughts of authorship in general literature, of history and kindred subjects. He was interested in educational reform. His friendships and associations aided to draw his attention to this subject. Lieber was a teacher in the South. Samuel G. Howe, in whose company he spent much of his leisure time, during the years following his return from Europe, was the superintendent of an institute for the education of the blind. Longfellow was a professor in Harvard. Seeing the greater culture of the higher classes in England, he urged raising the standard at Harvard. President Quincy, in an address before the Board of Overseers, afterwards urged that the requirements for graduation be increased and, though Sumner was unable to be present and witness the deliberations, upon the question, owing to a severe cold, he promptly wrote the President congratulating him upon the advanced stand he had taken.

Sumner's days now were occupied in his office, but his nights, often till one or two o'clock, were spent in reading. His favorite subjects were history and biography, but he did not allow such books to exclude other and lighter ones. He cultivated a taste for whatever was catholic, in literature, and was, as he desired to be, a well-read man. He continually made notes of readings, in books kept for permanent use, thus preserving data and copies of passages which he admired and incidents, which might be used, in his own productions, by way of illustration. The notes which he thus made, were frequently used in his productions after he became a Senator.

Much credit is to be given to his European trip for his love of reading. For years he had looked forward to such a journey and he secured it under such difficult circumstances as made him anxious to profit by it. He read history and biography carefully as one means of preparation for it. How could he hope for any great profit from his trip, without know-

ing the history of the countries he was to visit, where their great battles were fought, what were the turning events, what were their great names and for what were they celebrated? These were wide subjects and gave scope for endless study. How could he meet and mingle with their eminent men, without being able to talk intelligently of what they talked about? How could he carry letters of introduction to such men without knowing something of their careers—if a Judge, of his decisions; if a Member of Parliament, of his politics; if an author, of his books? How could he hope to be successful in the society of these countries without being intelligent? These were questions that were suggested to him. To make this trip profitable, as he intended it should be, required preparation, by way of wide and careful reading, and such reading created a taste for good books.

After his return he was stimulated to pursue his reading further; for then he had seen London and her Tower and Parliament and courts and schools; Scotland, with her Lochs and Highlands, her ruined abbeys, her Abbotsford and Edinburgh; Paris and Versailles; Genoa, with her walls, "her mural crown, studded with towers;" Rome and Florence and Venice, with their treasures of art and architecture; Germany and Holland. He had seen and was acquainted with many of the greatest men in Europe. Every history of these countries he took up, referred to persons or places he knew and had seen. Therefore he plunged into books, with a new interest. The going to Europe had required of him constant study and preparation and had enlarged his reading. Seeing Europe had added interest to what he saw and stimulated him to read more widely of the persons and places he had visited.

His heart still turned to these countries. "Give me fifteen hundred dollars a year," he wrote Longfellow, "and I will hie away to Florence, where in sight of what is most beautiful in art and with the most inspiring associations about me, I will feed on the ambrosia of life nor find the day long which I can give undisturbed to the great masters of human thought. Stop! Say nothing of this or my professional chances will be up." It is a fact that in his office he was inclined to talk too much about Europe to persons who came in on business. It gave the impression that his heart was not in his work and was thought to have an unfavorable effect upon his practice.

Sumner had numerous correspondents among his friends in Europe,—Hayward, Professors Whewell and Mittermaier, Ingham, Lords Morpeth and Fenman and Greenough and Craw-

ford and others. Some of them he heard from only occasionally and from others, Ingham, Mittermaier, Morpeth and Crawford, the letters were frequent. The latter had been his most intimate friends. Professor Mittermaier and Sumner corresponded in German and made exchanges of books. In 1841 both Ingham and Lord Morpeth were candidates for seats in the House of Commons, though both failed of election; Sumner watched the campaign with interest and regretted their defeat. Instead of Ingham, Milnes, another of Sumner's friends, was elected.

Lord Morpeth shortly after his defeat, came to the United States and spent several months travelling in the West and South and extending his journey into Canada. Sumner gave him letters to friends in other cities and met him in Boston and introduced him, went with him to places of interest and showed him many attentions. Longfellow, Sumner's friend, had him to dine, with Allston and Prescott, the evening of his arrival. And Sumner gave a dinner for him at the Tremont House. These attentions were kindly remembered by Lord Morpeth.

The year after his return from Europe, Sumner rendered a service for his friend Crawford. It will be remembered that he had admired his "Orpheus", a bas-relief upon which he was engaged, when Sumner was in Rome. In 1841, he raised a subscription of twenty-five hundred dollars to purchase it, for the Boston Athenæum. Crawford gratefully acknowledged the kindness, by executing a bust of Sumner and presenting it to him. To awaken public interest in the "Orpheus," Sumner wrote an article, published in the Boston papers, the Democratic Review and Advertiser, in which he narrated the legend that furnished the subject for the study and gave a description of the work and its merits.

The "Orpheus" was not finished at the time it was ordered and did not reach Boston till 1843. On opening the box, Sumner was much disappointed to find it had been broken in the passage. But it was restored, so that the break was scarcely noticeable. It was not open to general exhibition, until the summer of 1844, though during the preceding winter it was privately exhibited to a few persons of some art attainments. They praised it enthusiastically and Sumner conveyed this intelligence to Crawford. In June, 1844, it was opened to the public with an exhibition, planned by Sumner, of all Crawford's works then in Boston, making the "Orpheus" the central piece. The bust of himself was included in the collection. He was not satisfied with the lights which the Athenæum afforded and

to show the work to better advantage, he had a temporary booth built and fitted up adjoining the Athenæum, for the exhibition. It was all done by Sumner to awaken an interest in Crawford and his work as an artist. Sumner felt that he was not appreciated as his ability deserved. The purpose was accomplished and Crawford's reputation as an artist was established in Boston. The "Orpheus" still remains there a monument to the beautiful relation of two men, each now celebrated, but both then young and struggling for position.

Crawford never forgot the kindness thus done him, at a time when he needed such help. His principal works, his bronze statue of Beethoven, executed for the Boston Music Hall, his colossal equestrian statue of Washington on the grounds of the State Capitol at Richmond, Va., and his statuary in marble and bronze for the National Capitol at Washington, were all executed at a later period. Before he died orders came to him in abundance and his fame as one of the greatest of American artists is now secure. But to the end, his heart went out in gratitude for the help and encouragement that thus came, in the days of struggle. Writing to George Sumner, the brother of Charles, he declared that he had placed this friendship nearer his heart than any other in the United States except only that for his own family.

George was at this time in Europe. His travels were protracted beyond what Charles thought to be for his good and he did not hesitate to say so. His time was not idled away. He visited Holland and England and made a careful study from original sources of the early lives and character of the first Puritan settlers of New England. He recorded the result of his studies, and his manuscripts have since been deposited with the Massachusetts Historical Society and are referred to now with confidence, by writers upon the Puritan period of American history. George's tastes were more exclusive than Charles'. Politics and history interested him, but for general literature he had less fondness and he was disposed to overlook the merits of men of a more imaginative turn of mind than himself. He visited Rome and met and liked Crawford. But he preferred Paris to London and criticised Charles for his too great fondness for England and some of his English friends. Charles replied to him in a letter which reveals a good deal of his own character.

"You enjoy conversation," he wrote, "on politics, statistics and history. Do you sufficiently appreciate talent out of this walk? For instance, Kenyon does not care a pin for these topics; but he is exuberant with poetry and graceful anec-

dote; so that I must count him one of the most interesting men I have ever met. And I remember breakfasts at his house which were full of the most engaging conversation. . . . I like to find good in everything; and in all men of cultivated minds and hearts, thank God, there is a good deal of good to be found. In some it shows itself in one shape, and in some in another; some will select your favorite themes, while others enjoy *ideality* and its productions manifold." . . .

"This world is full of harshness. It is easier to censure than to praise; the former is a gratification of our self-esteem; while to praise seems, with minds too ambitious and ungenerous, a tacit admission of superiority. It is a bane of society wherever I have known it,—and here in Boston as much as in London,—a perpetual seeking for something which will disparage or make ridiculous our neighbors. Their conduct is canvassed, and mean and selfish motives are attributed to them. Their foibles are dragged into day. I do not boast myself to be free from blame on this account; and yet I try to find what is good and beautiful in all that I see, and to judge my fellow creatures as I would have them judge me."

## CHAPTER XI

IN SOCIETY—FRIENDS—THE MISSES WARD—HOWE—JULIA WARD  
—HOWE'S MARRIAGE—LONGFELLOW—THE PRESCOTTS—  
BANCROFT—WM. W. STORY—ALLSTON—CHANNING—ADAMS  
—THEIR INFLUENCE ON SUMNER—LITERARY PROJECTS OF  
FRIENDS—HABITS—WHY NOT MARRIED

DURING the years succeeding his trip to Europe, Sumner was popular in Boston society. He had a fine presence and the easy address, which comes of familiarity with good company, besides the reputation for scholarly attainments which always counted for much in Boston. His sister Mary was then a beautiful young woman, tall, well-formed and graceful, a good dancer and of a lovely disposition,—the fairest of all his sisters. She was a great favorite with Charles and he took much pleasure in acting as her escort. At the time of his return, she was eighteen years of age and apparently in perfect health, though she died four years later, after a lingering illness of consumption. Julia, too, the youngest of the family, was thirteen years old and was soon in society. The best homes in Boston were open to them. They attended parties and receptions together and the usual gatherings of young people. At that time horseback riding was a favorite amusement and his letters contain occasional references to excursions made, in this way, in the company of young ladies.

After his death, his sister Julia wrote: "It seems but yesterday that I was the happy, careless schoolgirl, recounting eagerly to his kindly, sympathetic ear at dinner the experiences of the morning at school, or going to him for help in my Latin lessons." While she was a student at Mr. Emerson's private school for young ladies, in Boston, the tragedian Macready played, in Boston, and Charles took her, night after night, to see his performances. It was the first really fine acting she had seen and it opened to her the wonderful beauties of Shakespeare. She never forgot the debt she owed him, to have thus opened a new world of delight. He had met and dined with Macready, was familiar with the plays and enthusiastic in pointing out the excellences in the interpretation of them. Sumner corresponded with Macready after his return to Europe.

In January and February of 1814, he visited his brother Albert in New York and spent a few days in Philadelphia. In

New York he met and dined with Halleck, Cogswell and Theodore Sedgwick and was again kindly received by Chancellor Kent. He wrote to Hillard that he had "had some pleasant dinners, seen some handsome women and been to two balls." It was on this visit to New York that he became acquainted with three sisters, Misses Ward, who lived on Bond Street near his brother Albert's residence. He was much attracted by their wit and beauty and might have easily conceived a tender sentiment for one of them. But this, his circumstances, poor and in debt, with little income, compelled him to conceal. They were then beautiful, bright, vivacious girls, fond of society and music, prettily supporting one another, in their sallies of wit and laughter, and generally the centre of a circle of admirers. "The Three Graces" was the designation they acquired with Sumner and his friends. They were daughters of Mr. Samuel Ward, a banker of New York. Their mother, Julia Rush Ward was the author of some poems of merit. She was the daughter of Mr. B. C. Cutler, an eminent citizen of Boston.

"The Three Graces" spent the following summer in Dorchester, a suburb of Boston. Sumner wrote Lieber: "The three Misses Ward—a lovely triumvirate—are summering in Dorchester." He spent much time in their company. The following September he was again in New York, looking up evidence for his friction match case, but in his report to his partner of the progress he was making, among the dusty and dreary records of the clerk's office, he quietly mentions, facts of interest to him, that he had dined with Mr. Samuel Ward, his first day there, and that on the next day he dined with the Misses Ward!

And how all roads lead to New York! In August, 1842, he writes to Longfellow, then in Europe: "I have been away on a short journey with my two sisters, Mary and Julia, and have enjoyed not a little their enjoyment of life and new scenes. Howe started in company. We went to Springfield; thence made an excursion to Chicopee; thence to Lenox and Stockbridge, where I left the girls to ramble about, while Howe and I started on a journey to New York, including Hell Gate, where we passed the chief of our time. The 'Three Graces' were bland and lovely."

Sumner and Dr. Samuel G. Howe were fast friends then and they continued so for many years. There were times in Sumner's life when Howe was his greatest confidant. His opposition to slavery, at a later day, estranged many of his friends, but it never affected Howe. He was in full sympathy with Sumner's purpose to destroy it and during this

period their friendship continued, more cordial than before. In 1846 Howe allowed himself to be nominated for Congress, by the opponents of slavery and the Mexican war, when there was no prospect for an election.

He was a high-minded man, devoted to philanthropic purposes and pursuits and very like Sumner in many of his thoughts of life. He was ten years Sumner's senior. In his young manhood, he had spent seven years, as a soldier in aid of Greece, in her struggle against the Turks, for independence; and had narrowly escaped death from one of their scimiters. He was in Paris in July, 1830, on his way home, when the French people rose in revolution against Charles the Tenth and drove him from his throne. Still by instinct the champion of the oppressed, he joined the cause of Lafayette and the people against the arbitrary rule of their King. His disregard of danger attracted the attention of Lafayette, who urged him not to expose himself, in this struggle that should be reserved for Frenchmen, but to save his life for the aid of his own country. Reaching home he studied medicine and quickly rising in his profession he was made Superintendent of the Boston Institution for the Blind. He devoted himself to this work with his characteristic enthusiasm. Beside his work for his own Institution he visited other states and sought to interest them in the establishment of similar foundations.

At this time Sumner and Howe were much in each other's society. They took frequent horseback rides and made excursions together to places near Boston. Sumner frequently passed the night with Howe at the Institution for the Blind, where they talked far into the nights, of European travel, of books and friends. Two years later Howe married Julia Ward, one of the "Three Graces." Sumner's friend Crawford married another. The third became Mrs. Maillard. Julia Ward Howe became the author of several books, "Passion Flowers", "Words for the Hour", a volume of reminiscences. Her best known poem is her "Battle Hymn of the Republic".

This hymn has since been set to music and is now sung as one of our national anthems.

Mrs. Howe was no less firm in her friendship for Sumner than her husband. During his years of struggle against slavery, they never ceased to uphold his hands. And when Brooks assaulted him in the Senate Chamber for words uttered in his speech on the "Crime against Kansas", she promptly condemned the outrage in a poem published in the "New York Tribune." No words of sympathy came to Sumner

more welcome than hers. When he published the complete edition of his works he incorporated this poem in them as a note to the speech.

Howe had taken the place in the "Five of Clubs" made vacant by Cleveland, who was wasting away with disease and soon to die. The Club continued its meetings, at the homes of its members. They met to talk of the events of the week, of new books and their own literary projects and to read and discuss a poem or an article that any of them had written for the press. They never doubted the fidelity of the members to one another and usually asked their criticism upon their productions, before they were given to the public. The meetings were furnished with refreshments, but they were sparingly used. Good cheer was plenty. They were bright intelligent men, all well educated and capital conversers. The cheery laugh and abounding good spirits of Felton never failed to touch a responsive chord in the others. Besides Sumner and his partner Hillard there were Howe, and Felton, then Professor of Greek at Harvard and afterwards its President, and Henry W. Longfellow, the poet, then Harvard's Professor of Modern Languages and Literature.

Sumner and Longfellow were close friends. Longfellow was born at Portland, Maine, the son of an attorney; and graduated at Bowdoin. After graduation he had commenced the study of law with his father, but being called to a professorship in Bowdoin he had fitted himself for the place, by three years study in Europe. In 1835, he was called to Harvard. He was four years Sumner's senior and still unmarried. He had his rooms in the house in Cambridge then owned by Mrs. Craigie, fronting on the road from Harvard College to Mt. Auburn Cemetery. It was a commodious structure, surrounded by ample grounds, looking out upon the winding river Charles, with Brighton hills and Brookline in the distance. Even then it was an ancient dwelling and like an old man gracing his age, with the honors of well-spent years, it numbered among its claims to consideration that it had been the home of Everett the orator, Sparks the historian, and Worcester the lexicographer, and the additional fact that it was the headquarters of General Washington in the Revolutionary War. Thither Washington's wife had come to visit him, properly attended all the way from Virginia, in a coach drawn by four horses, with a liveried postilion astride of each, according to the elaborate ceremonial of the day. And there Martha Washington, with her inimitable grace, had enlivened the dreary winter of 1775-6, by dispensing touches of Virginia

hospitality. Longfellow afterwards purchased the house and it continued to be his home for the remainder of his life, with his name and fame thus adding another attraction to the place.

From this house Sumner wrote his brother George, still in Europe, in 1841: "It is Sunday and I am Longfellow's guest. One of my pleasures is of a Saturday afternoon to escape from Boston and find shelter here. We dine late, say between five and six o'clock. Felton adds to the hilarity. We talk of what we have seen abroad, of cities visited, persons seen, and the trophies of art and of old time, while all the poets and masters, in all the languages, are at hand in Longfellow's well chosen library. I think you never knew my friend. When you return (if that event ever takes place) you will find great satisfaction and sympathy in his society."

After Sumner's return from Europe, he became more intimate with Longfellow than he had been. Longfellow had travelled and studied in Europe and while he cared little for law and less for politics, and statistics about war and the conduct of prisons, subjects which were attracting Sumner's attention, both friends were enthusiastic over art and literature. They delighted to sit together and talk over some gallery of pictures or the works they had seen of some old master and together revive their recollections of them. Here a library of old books and there a road, a river or some mountain fastness, which each had seen, was recalled as an afterglow of European travel. Longfellow, with more settled purpose than Sumner, was then far advanced in his literary career. He had already published his "*Hyperion*" and "*Voices of the Night*" and some translations from Spanish poetry. But Sumner at this time, with little prospect of professional or political distinction, was only beginning to turn his thoughts towards literature. Books and magazines constantly furnished new topics of conversation.

Sumner's Saturday visits to the "Craigie House" were frequently extended over Sundays, their employments keeping them apart, during the other days of the week. His tall portly form, swinging easily up the walk, among the shrubbery, is still remembered. He always found a welcome, and his sister Julia recalled that he occasionally came home, bringing a new poem from Longfellow's pen, which he read to them with fine effect, for he read poetry well.

In 1843 Longfellow married Fanny Appleton, the "Mary Ashburton" of his "*Hyperion*", a lady of great sweetness and elevation of character as well as beauty of person. She was

the daughter of Nathan Appleton, twice a Member of Congress, from Boston. Her stepmother was a second cousin of Sumner. And thus the tie between Sumner and Longfellow was strengthened by the event which so often separates bachelor friends. Sumner was present at their wedding. With her characteristic sweetness of disposition, the new wife sought to keep green her husband's bachelor friendship. Soon after the marriage Sumner wrote: "At Craigie Castle, the Longfellows dispense an easy and graceful hospitality,—always glad to enjoy the society of their friends at dinner or tea as it may happen." So "Craigie House" continued for Sumner a retreat where he went to find rest from the vexations of his long days of service.

Another house that Sumner often visited during these years was the home of William H. Prescott, the historian. Sumner had never met Prescott before going to Europe, but while there the history of "Ferdinand and Isabella" appeared. It attracted attention in the circles where Sumner moved. He was enthusiastic in his admiration of it and took occasion frequently to recommend it to friends and interested himself in having it reviewed favorably in England. His letters to friends at home frequently referred to its success and some of these being shown to Prescott he had been led to acknowledge Sumner's kindness. An acquaintance followed Sumner's return to Boston, which afterwards ripened into a warm friendship.

The Prescott family united three generations under one roof, Judge Prescott and his wife and their son William H. Prescott, and his wife and two children. Judge Prescott, the son of General Prescott of Battle of Bunker Hill fame, had been a member of the Supreme Court of Massachusetts, when Sumner's father was Sheriff. He was an eminent lawyer and judge, as well as a citizen distinguished in private life for his learning, his good sense and his uprightness. He was now verging upon eighty years of age, but still in the enjoyment of good health; and he continued, with almost unabated interest in events around him, till stricken with paralysis, shortly before his death, in 1844.

William H. Prescott, Sumner's friend was a genial, warm-hearted man, scholarly in his tastes, full of kindness and consideration for the feelings of others, willing to do a favor or suffer an inconvenience, above little considerations of self and incapable of meanness. After graduating at Harvard he had entered upon the study of law, but, with an intervening trip to Europe, he abandoned it for the pursuit of literature which, notwithstanding an impaired vision, owing to the total loss of one eye and organic weakness in the other, he pursued with

signal success. Reflecting upon his career, was influencing Sumner to think of a similar one for himself.

Sumner was fond of the Prescotts and was in the habit of calling there on Sunday evenings, frequently, at such times, supping with the family. They were attached to him. His want of affectation, his love of knowledge and his good sense quickly found a response in such natures as the Prescotts', father and son. They invited him to their family parties, where he met Franklin Dexter, one of the leaders of the Boston bar, and his wife, a daughter of Judge Prescott. Sumner's presence on such occasions seemed to impose no restraint on the others. He joined heartily in the amusements of the hour, played "blind man's buff", etc.

Sumner was prompt to acknowledge this kindness of the Prescotts. When Lord Morpeth visited Boston in 1841, William H. Prescott was one of the select number invited to meet him at Longfellow's rooms the evening of his arrival. This reception was arranged for by Sumner and Longfellow together. When Sumner afterwards gave a dinner, in his honor, at the "Tremont House", Prescott was again one of the guests. He liked Morpeth and after that assisted Sumner in entertaining him. And when he left Boston, Sumner and Prescott attended him to the railroad station to bid him good-bye.

In the spring of 1842, Sumner and Prescott visited New York together. Prescott went to visit Washington Irving and invited Sumner to accompany him. He and Irving, each without the knowledge of the other, had been engaged the previous fall and winter, in writing upon the "Conquest of Mexico". They had before trenched upon one another's ground, Irving in his "Life of Columbus" and Prescott in his "Ferdinand and Isabella". Discovering that they were about to do so again, Irving generously gave up the theme to Prescott and furnished him what materials he had already gathered. Irving having been lately nominated and confirmed Minister from the United States to Spain, Prescott desired to see him before his departure on his mission, to interest him in procuring some materials for this history, from the Spanish archives. The visit was a delightful one. Sumner and Prescott both came back full of the praises of Irving and the reception he gave them. Each was disposed to rally the other upon his enthusiasm, over their host, and the sayings and doings to which they had been parties. Sumner insisted that Prescott was fairly "Boz-ed"—a word that had lately been coined to express the enthusiasm created by Dickens on his recent tour in the United States.

Through Prescott, Sumner became acquainted with other authors, George Bancroft, Jared Sparks and George Ticknor. Bancroft had just issued the third volume of his history of the United States. He was Collector of the Port at Boston, at the time, and a Democrat. Boston, under the influence of such leaders as Webster, John Quincy Adams, Choate and Everett, was strongly Whig; and to be a Democrat there, meant to be, in a measure, ostracized. Even George Bancroft did not altogether escape this ban, though, from his literary eminence, he might reasonably have hoped to do so. But Sumner was not much in politics then and did not let such considerations influence his friendships. Bancroft frequently dropped into Hillard and Sumner's office to chat and there he always found a welcome and congenial company, Hillard, his partner, and William W. Story, their student, were hardly behind Sumner, in their love for good books.

Their office was an attractive place. Story reveals how their thoughts, "when business would allow, sometimes when it would not allow," would steal away from the law to revel in talk of poetry and fiction and history and how they delighted in anecdotes about some old judge, or the bar, some great argument or celebrated trial,—the literature of the law rather than the law itself. They enjoyed the rich conversation of Choate and Dexter and Judge Story, and of old Jeremiah Mason, Webster's great rival at the bar, blunt, hard-headed, full of rich experiences of former days on the New Hampshire circuits. Those were delightful days to which their thoughts afterwards often reverted. They all had a taste for literature. Two of them afterwards abandoned the law, Story for literature and sculpture, and Sumner for public life. Story, in 1847, published his "*Treatise on the Law of Sales*" which he dedicated to Sumner.

The first sentence of quaint introduction, read, like a valedictory to the law. "Sir Edward Coke, in the preface to the eighth part of his Reports says: 'As naturalists say that there is no kind of fowl of the wood, or of the plain, that doth not bring somewhat to the building of the Eagle's nest—some cinnamon, or things of price, some juniper or thing of lesser value; so ought every man, according to his power, place and capacity, to bring something to the adorning of our great Eagle's nest, our own dear country; ' and these presents I have brought to that great Eagle's nest, the law."

A year after the publication of this book, Story went to Italy to live and that continued to be his home. He published the "*Life and Letters*" of his father, Judge Story, and two vol-

umes of poems, besides some minor works. But he is best known as a sculptor. His statues of his father and Chief Justice Marshall and some of his imaginative pieces take a high rank. He died in Italy in 1895 surviving Sumner more than twenty-one years.

Another American artist whose friendship Sumner enjoyed, during this period was Washington Allston. He lived in Cambridge and was a graduate of Harvard, but had studied art in Italy and France. While in Europe he had become acquainted with Wordsworth and Coleridge and, when Sumner went to England, he commended him to these friends. After Sumner's return, he was frequently at Allston's house and was much interested in his work as an artist. In all his efforts to aid Crawford and in raising the subscription for the purchase of the "Orpheus", Sumner constantly consulted Allston, who heartily seconded his plans. He counted on his aid in mounting it and in arranging the exhibition of Crawford's works, but, before the "Orpheus" arrived, Allston was dead. Sumner commemorated him in his oration delivered before the "Phi Beta Society" of Harvard in 1846, on "The Scholar, the Jurist, the *Artist* and the Philanthropist", one of the most finished productions of his life.

Sumner had an acquaintance with Daniel Webster and John Quincy Adams. They were Boston men and he therefore had abundant opportunity to see them in private and hear them in public and to be familiar with their careers, which during the closing years of Webster's life, especially after his speech on the Seventh of March, 1850, were the subject of much discussion and comparison. Sumner's frequent allusions to them in his letters show that he was observing these great men carefully. He always admired the great intellect and the grand presence and magnificent oratory of Webster, never equalled in modern times. But he thought Webster tacked too much on the question of slavery and lacked moral strength. He did not like Adams' apparent disregard of parliamentary forms in Congress, but he delighted in the moral courage of the man, as he stood, year after year, on the floor of the House, defying slavery and defending the right of the people to petition their Representatives. His opponents sought to deny the right of petition, by preventing those against slavery being either read or discussed in Congress. Sumner's letters, even thus early, show that much as he admired Webster, he admired Adams more. Later in life he came to know both of these men better. He saw them, conversed with them and letters were exchanged, upon such subjects as are likely to bring a constituent in contact with his

Representatives, but his relation to them could never be called intimate.

The man who more than any other, at this time, influenced Sumner's views upon public questions was William E. Channing, the Philanthropist commemorated in Sumner's Phi Beta Kappa oration. He was by profession a minister, but is much better known as a writer upon moral questions. After graduating from Harvard, in the class with Judge Story, he had spent some time as a tutor in a private family in Virginia. Here and on a visit later to the West India Islands he had an opportunity to observe slavery in practice and he became unalterably opposed to it. He was outspoken in his opposition, condemned it in public addresses and wrote a book, the most extensive published work of his life, setting out his objections to it. He had also studied the question of peace and war and took the same position upon this subject that Sumner afterwards did in his oration on "The True Grandeur of Nations". The high ethical ground that Channing assumed and the eloquence and fearlessness with which he sustained his views made a lasting impression. He died, in 1842, cut off in the full tide of usefulness, at sixty-two years of age. His last public appearance was to make an address to the citizens of Lenox, Massachusetts, on the occasion of celebrating the anniversary of British emancipation in the West Indies.

Sumner had known Channing for years. Notwithstanding the disparity in their ages they had been intimate friends and had many points of likeness. They were both well educated, graduates of the same college and both had a strong taste for literary pursuits. They both cared little for wealth, but had a generous ambition to be useful men. Each felt a deep interest in their common country, a pride in her hard beginning and her growing power and yet neither could be said then to belong to any political party. Doubtless they both voted the Whig ticket, but with no enthusiasm and without any effort to give direction to the votes of others. Channing had a fascination for young men. He appealed to conscience, pointed out a great future for them and an ideal life, motives for action generally stronger in young men than in those of advanced years.

When he died, Sumner characterized him as "one of the purest, brightest, greatest minds of his age". And he added: "He has been my friend and I may almost say idol, for nearly ten years. For this period I have enjoyed his confidence in no common way. Both his last treatises he read to me in manuscript and asked my advice with regard to their publication, and my criticism."

Speaking of his eloquence four years later, Sumner said: "With few of the physical attributes belonging to the orator, he was an orator of surpassing grace. His soul tabernacled in a body that was little more than a filament of clay. He was small in stature; but when he spoke, his person seemed to dilate with the majesty of his thoughts. \* \* \* His voice was soft and musical, not loud or full in tone; and yet, like conscience, it made itself heard in the inmost chambers of the soul. His eloquence was gentleness and persuasion, reasoning for religion, humanity and justice. \* \* \* His eloquence had not the character and fashion of forensic effort or parliamentary debate. It mounted above these, into an atmosphere unattempted by the applauded orators of the world. Whenever he spoke or wrote, it was with the loftiest purpose, as his works attest,—not for public display, not to advance himself, not on any question of pecuniary interest, not under any worldly temptation, but to promote the love of God and man. Here are untried founts of truest inspiration. Eloquence has been called *action*; but it is something more. It is that divine and ceaseless energy, which saves and helps mankind. It cannot assume its highest form in personal pursuit of dishonest guardians or selfish contentions for a crown, not in defence of a murderer, or invective hurled at a conspirator. I would not overstep the proper modesty of this discussion, nor would I disparage the genius of the great masters; but all must join in admitting that no rhetorical skill or oratorical power can elevate these lower, earthly things to the natural heights on which Channing stood, when he pleaded for Freedom and Peace."

These passages are valuable as revealing the direction of Sumner's thoughts and studies at this time. They show his nearness to Channing and his familiarity with the great orators of other days, Demosthenes, Webster and Burke, and that he was reflecting upon their speeches and the true springs of eloquence. It will be seen hereafter how much the eloquence of Adams and Channing became models for Sumner. In his best efforts in public life, as his "Freedom, National; Slavery, Sectional", or the "Crime against Kansas", the fearless pugnacity of Adams unites with the high ethical tone of Channing and both upon the Senate and the country they made an impression that has rarely been equalled. Sumner united some of the distinguishing traits of both these men. He was as scholarly in his tastes and as carefully educated as either of them. He was hardly less industrious, though a man of less method, than Adams. He knew no fear; when he had resolved that a course was right, he dared to pursue it. Even John Quincy Adams never stood be-

fore the slave power and dealt such blows as Sumner in his speech on the "Crime against Kansas" and Channing never lashed the dogs of War as Sumner did in his "True Grandeur of Nations" delivered before the city authorities and people of Boston. Still it was the work of both these men that fell, in large measure, to Sumner, after they were gone. He took it up and never faltered.

Sumner saw the work of Adams in Congress, after he left the White House, without a parallel, in American history. Adams then had all the benefit of his great learning and experience, and the prestige, his reputation for both gave him, and yet, having filled the highest places, he came to this later work, unwarped by any ambition for promotion. He unselfishly devoted what was left of his life, eighteen years of unremitting effort, to the cause of universal freedom and his country's advancement. This was a unique object lesson. Channing upon another stage, but with scarcely less singleness of purpose, devoted himself to the same causes. He was more an idealist than Adams. His training had made him so; and he was so by constitution. They both supported one another. Adams, from his place in the House of Representatives, fought their common fight before the nation. But could he have maintained his place in Congress to make this fight, during the long years he did, if some one as eloquent as Channing had not advocated that cause in Boston? Sumner was in a position where he could see and appreciate the work of both. He was nearer to Channing and more intimate with him, felt his work more, but he admired the larger influence of Adams from his higher place.

When Channing's manuscripts were submitted to Sumner, he was glad to aid him with criticisms or suggestions. Sumner was always interested in the literary projects of his friends. No kindlier encouragement came to Hillard upon his literary efforts than Sumner extended. He delivered the Phi Beta Kappa oration at Harvard on August 24, 1843, and the week before we find Sumner writing his friend George W. Greene, at home from his consulate at Rome, urging him to be present and promising him something "refined and brilliant in the audience and the orator". After it was delivered and printed, we find him writing to Howe, then absent, that they were "all surrounded by Hillard's glory". "His oration has been published; and the press and all who read it express the warmest admiration," etc. A new poem from Longfellow's pen he heralded to his friends as an occasion to be anticipated. Longfellow, Lieber, Prescott and Bancroft were then in the full tide of authorship. Sumner saw most that all of them wrote during

these years, before it reached the public. He was disposed like his father to say agreeable things to others. He was the last of men to wound any one's feelings by criticism needlessly severe. This trait, with his generosity of time in assisting his friends in any way they asked and his good judgment in literary matters led them to consult him freely in their work. He took the kindest interest, criticised proofs, wrote reviews and gave them references from his own readings and sometimes made searches in the libraries for matter for them. To Lieber, especially, who was teaching in the South, where he did not have access to large collections of books, it was an advantage he appreciated to have such a friend as Sumner in Boston.

For the company of his friends, in a social way, Sumner's fondness continued. He enjoyed good living with moderation, and frequently with Howe or some other dropped into a *café*, in the evening after the day's work was done and took some refreshment, ices, strawberries or oysters in season and occasionally a glass of hock or claret, thus mingling good fare and good talk with the news of the day. It was still the society of gentlemen. Strong drinks he did not use. Saloons he did not visit. For any exhibition of drunkenness or an approach to it in condition he always had the utmost disgust. In his case it was the survival of the European or English habit as he had grown familiar with it abroad, in the best circles, of using a light stimulant of wine in the same way as tea and coffee, or a cup of cocoa. It was still the England of Johnson and Goldsmith and Garrick, with the coffee-house and light table-talk, surviving, that he enjoyed.

Upon his return from Europe, he had taken the place in the Society of the Cincinnati, formerly filled by his grandfather and now made vacant by the death of his father. The Society was originally founded in 1783 by the officers of the American army of the Revolutionary War for patriotic and benevolent purposes. Major Job Sumner, the grandfather, was the original member, then the father and now by his death Charles, being the oldest son, was entitled to the succession. He attended its annual banquet. The rank appealed to his pride in a career of honorable service. But with the Brook Farm community, headed by George Ripley, he does not seem to have felt much sympathy. His younger brother Horace was at one time a member of this band of social reformers. Charles rather humorously wrote: "Horace has commenced as a farmer. He is with Mr. Ripley eight miles from Boston. He picks tomatoes, cucumbers, beans, upsets a barrel of potatoes, cleans away chips, studies agriculture, rakes hay in a meadow and is

pleased with his instructors and associates." Yet it was a natural craving for companionship in the case of both brothers that led them into these organizations.

Sumner was beginning to feel his lonely position. His friends Cleveland, Hillard, Longfellow, Howe, Prescott, those with whom he was most intimate were now all married and gathered about firesides of their own. Sumner frequently dropped in among them and shared their homes and seemed to rejoice in their happiness. And yet we know it was not without a vein of sadness. Of one of his friends he wrote: "I think he will be married very soon. What then will become of me? It is a dreary world to travel in alone." To Crawford: "Longfellow is most happily married, I am most unhappily single." To Lieber; "Longfellow is to be happy for a fortnight in the shades of Cambridge; then to visit his wife's friends in Berkshire; then his own in Portland. I am all *alone,—alone*. My friends fall away from me." To Lieber again, three months later, Oct. 6, 1843; "I am more and more desolate and alone. I wish you and your dear wife lived here. You would allow me to enter your house and be at home; to recline on the sofa, and play the part of a friend in the house. I lead a joyless life, with very little sympathy." We might quote farther, expressions of the same kind, but these are sufficient. That same month William W. Story was married. The question is naturally asked; why did not Sumner marry at this time in his life? He was a refined, companionable man, of pure life and good habits, fond of the pleasures of taste and society and was well qualified to do his part towards making a happy home. However it may have been at other periods, at this he enjoyed the society of young ladies. It would have been natural for him to join his fortunes to those of some of the accomplished young women he met.

His circumstances undoubtedly had much to do with preventing it. The general practice of the law, without a fixed salary from some company or other employer, furnishes to a young practitioner, at best, a precarious income. Though the end of the year shows fees earned, he could not generally have foretold, at its beginning, where they were to come from,—a condition not very encouraging to a young man contemplating matrimony. Sumner's trip to Europe had interrupted his professional career, consumed all his savings and left him about five thousand dollars in debt. This debt continued unpaid for several years. This shows that he was not making money rapidly. His father's will, by leaving all the property to his mother for life left him with no improvement of his fortunes from that

source. He felt poor and with his pride and sensitiveness, shrank from asking another to share such a home as he could furnish.

His ambition too, had its influence. He purposed to achieve an honorable position and leave something behind him that would be worthy of remembrance. And to accomplish this he was willing to sacrifice much of his own personal comfort and happiness. It is certain that while his mother lived he did not feel the want of a home as he might have done. He was devoted to her and she to him. His father was dead, his brothers were gone and he was left to take their places, with his sisters, in the family circle. But this was not to last always. When later Mary and his mother were dead, and Julia was married and gone, and he was left alone, to encounter sickness and broken political friendships and the hard lines of public life, then, but not till then, was the cup of his loneliness to be full. This of course he could not then foresee, but he did feel that the mother and sisters, in their lonely position, had claims upon him which he could not disregard, either by bringing another into the home or by severing himself from it.

## CHAPTER XII

INTERNATIONAL QUESTIONS—"THE CAROLINE"—"THE CREOLE"—SLAVERY AGAIN—THE "SOMERS" MUTINY—SERVICES FOR EDUCATION—AT THE LAW SCHOOL—EDITS VESEY JR.—SICKNESS—HIS SISTER MARY'S DEATH—AT WORK AGAIN

THERE were grave questions of international law arising between the United States and England during the years 1841-3, in which Sumner took an interest. During the years 1835-7, preceding his trip to Europe, he had given instruction in the Law School on the Law of Nations. The first volume of "Kent's Commentaries" was used as a textbook but with his customary fulness of preparation he had studied the subject widely in other authors. The knowledge of the subject thus acquired made international questions of peculiar interest to him afterwards.

A quick succession of perplexing questions had made war imminent between the United States and England. In 1837 there had arisen a rebellion in Canada. It was suppressed, but the rebels sought refuge in New York, just across the Niagara river. There they found support and encouragement and made accessions to their numbers. They procured a vessel called the "Caroline", in which they made incursions and carried supplies from Navy Island, in the Niagara river, to their friends in Canada. Some Canadians finally determined to destroy this vessel and for this purpose crossed over to Navy Island, which was British territory, where they expected to find the vessel at her accustomed anchorage. But on reaching Navy Island, they found she was not there but was moored to the American shore and outside the British boundaries. They, however, persevered in their purpose of destruction and boarding her there cut her loose from the shore, fired her and turned her adrift, when she floated over the falls and was lost. In the mêlée, one man, named Durfree was killed, by the assailants.

In 1840, Alexander McLeod came from Canada to New York and in a blatant moment, boasted that he had been in the incursion that destroyed the "Caroline" and that he was the slayer of Durfree. He was at once arrested and was afterwards indicted for murder. Pending his trial, the British government interfered and demanded his release and assumed the

responsibility for the invasion, justifying it as necessary for the protection of her territory. She insisted that McLeod could not be held to answer for an act committed under the authority of his country any more than a soldier could be tried for murder when the deed was committed in battle against her public enemy.

A flare of excitement, with talk of war followed. Sumner promptly took the side of Great Britain and declared that his country was wrong. He so wrote his friends, giving his reasons. Mr. Webster, who was then Secretary of State, insisted that McLeod could only be discharged by the courts and directed the Attorney-General of the United States to appear before the courts of New York and make this defence for McLeod and demand his release. But the Supreme Court of the State of New York when McLeod was brought before it upon a writ of *habeas corpus*, declined to release him. The feverish state of the public mind towards England, growing out of disputes about slavery and the North-Eastern boundary, the suspense attending the protracted proceedings in McLeod's case, the determined position of New York and the threatening attitude of England, gave for a time, an alarming aspect to the situation. It afterwards became ludicrous, when, upon McLeod's trial, an *alibi* was proven for him and he was acquitted.

The case of the "Creole" followed close upon the exciting stage of McLeod's trouble. The "Creole" was a vessel that sailed, in 1841, from Virginia to New Orleans, with a cargo of slaves. On the way, the slaves rose in insurrection, killed their master, threw the crew of the vessel into irons and put into the English port of Nassau, in the West India Islands. There the slaves were freed and the vessel was allowed to continue its course deprived of its cargo. The occurrence recalled other occasions when slaves belonging to people of the South had been liberated under similar circumstances. The Southern mind was at once aroused in defence of their "peculiar institution".

During the discussion of the case in Congress, Joshua R. Giddings of Ohio, introduced a series of resolutions, since known from the name of their author as the "Giddings Resolutions", which sought to define the limits of slavery in the United States. They declared that slavery could have no existence outside of the States that permitted it, that an owner by taking his slaves into other free States or Territories or upon the high seas, by that act gave them their freedom and that therefore the slaves upon the "Creole" were only freeing themselves from an unlawful detention. The reading of the resolutions aroused a storm of indignation in the House, then

strongly pro-slavery in its sympathies. A resolution was at once introduced and passed, condemning the conduct of Giddings as unwarranted and unwarrantable and as deserving the severest condemnation of the people of the country and of Congress in particular. Giddings at once resigned his seat, but was immediately re-elected by an overwhelming majority, with instructions from his district to present his resolutions again and press them to a vote.

The House did not allow the resolutions to be introduced again, but Mr. Webster, as Secretary of State, presented the "Creole" matter to Lord Ashburton, who was then in the United States as Special Plenipotentiary from Great Britain, to negotiate a treaty defining the north-eastern boundary of the United States. Mr. Webster insisted upon the return of the slaves that had escaped from the "Creole" and a treaty regulation which would prevent a recurrence of such troubles. The difficulty was finally adjusted by a reference of the matter under the provisions of the Treaty of Washington for the return of fugitives from justice.

Webster's dispatches upon this question surprised and startled many people in New England and among this number was Sumner. Dr. Channing was still living and he thought the doctrines of these dispatches committed the whole Union to the defence of slavery, at home and abroad, and were so pernicious that they should at once be combated. He wrote a pamphlet upon the subject, "The Duty of the Free States." Before its publication, he submitted it to Sumner and Hillard and his son, William F. Channing, for their criticism. Sumner took a deep interest in it and made numerous suggestions, furnished him materials, and he and Hillard read the proofs as it was passing through the press. Sumner maintained that the slaves on the "Creole" had a right to their freedom and that the English government was bound, by its own laws, to recognize this. He approved the doctrines of the "Giddings Resolutions" and maintained that Giddings was entitled to his opinions whether right or wrong, and, as a Representative, to express them in Congress and that he should not have been censured.

To Lord Morpeth, he wrote: "You will see how rapidly this question of slavery moves in the country. The South seems to have the madness which precedes great reverses. I agree with Mr. Giddings in his resolutions. Indeed they are the exact reverse of Mr. Calhoun's famous resolutions, adopted by the senate three years ago; and from Mr. Calhoun's I most thoroughly dissent. Thank God! the Constitution of the United States does not recognize man as *property*. It speaks of

slaves as *persons*. Slavery is a local institution, drawing its vitality from State laws; therefore when the slave-owner voluntarily takes his slave beyond the sphere of the State laws, he manumits him. This was the case with the owner of the "Creole"; and Mr. Giddings, in asserting the freedom of those slaves under the Constitution of the United States, laid down a constitutional truth. But suppose it were not true in point of constitutional law, still Mr. Giddings had a perfect right to assert it; and the slaveholders in voting to censure him, have sowed the wind. I fear the reaping of the whirlwind."

Mr. Jacob Harvey, a gentleman of Irish birth, living in New York city, had made the acquaintance of Sumner, while on a visit to his brother Albert, who was then residing there. Knowing Sumner's familiarity with the law of nations he wrote him for his opinion of the "Creole" affair. Sumner answered him at some length. In this letter Sumner took the position that England could not deliver up the slaves who were not implicated in the mutiny and murder by which the government of the ship was overthrown because she had laid down a rule not to recognize property in human beings after the date of her Emancipation Act. He argued that she could not lend her machinery of justice to execute laws she had already pronounced unchristian and immoral any more than she would to enforce a contract of prostitution or concubinage. He admitted the case of the slaves who had participated in the mutiny and murder was not so clear, but that, nevertheless, the New England courts had decided that a slave, who came to their soil, by the consent of his master, thereby became entitled to his freedom and so when taken upon the high sea, beyond the boundaries of the States where slavery was legalized, he was remitted to his natural right to freedom and was justified in using whatever force was necessary to overcome the power which deprived him of it. But if they were guilty as claimed, he argued, then their crime was piracy and so it became the duty of England to retain and try them under her own law forbidding piracy and not send them to the United States, to be tried under our law.

From these letters it will be seen how decidedly Sumner had taken his stand in opposition to slavery. He was long before this a subscriber and reader of *The Liberator*, the anti-slavery paper published by William Lloyd Garrison in Boston. It was the first paper he ever subscribed for; but he did not agree with many of its teachings. It was too radical in its theories and too violent in its utterances to meet his unqualified approval. He believed that slavery was wrong, a great national disgrace

and that it should be abolished. He was deeply in earnest upon this subject. His heart was full of it. Upon hardly any other subject do his letters so abound in references as this.

But Garrison thought that a republic that permitted slavery constituted a league with hell; that it leagued every person who countenanced it or took any part in its affairs with the slaveholder and made all accountable for his wrongs. Hence Garrison taught that all who opposed slavery must refuse to vote or hold office or have anything whatever to do actively with the conduct of the government, that the most they could do was to passively submit to its laws. He inculcated this doctrine with burning earnestness and sometimes in violent language.

Sumner, on the contrary, believed that it was the duty of all good citizens, by their votes as well as their voices, to unite in correcting the wrong and in placing men in office who were thoroughly in sympathy with their cause and that it was the duty of anti-slavery men to accept office, to promote their common purpose. Though entertaining these widely different views, Sumner did not quarrel with Garrison and his followers, nor they with him. Each retained the respect and confidence of the other. It was only a difference of methods; their cause was the same. But, in the light of subsequent events, it will hardly be disputed now that Sumner's method was more practical than Garrison's.

Sumner already viewed with apprehension the growing sentiment in the South for more territory, out of which to carve slave states. In 1843, he wrote Dr. Howe, then travelling in Europe: "We fear some insidious movements in favor of Texas. The South yearns for that immense cantle of territory to carve into great slaveholding States. We shall witness in this Congress an animated contest on this matter. \* \* \* I wish that our people and Government would concern themselves with what we have *now*. Let us fill that with knowledge and virtue and love of one's neighbor; and let England and Russia take the rest—I do not care who. There has been a recent debate in Congress, in which Mr. Charles Ingersoll said he would go to war rather than allow England to occupy Cuba. I say: 'Take Cuba, Victoria, if you will; banish thence slavery; lay the foundation of Saxon freedom; build presses and school-houses!' What harm can then ensue to us? Mr. Ingersoll proceeds on the plan of preparing for war. He adopts the moral of the old fable of *Aesop*,—which, you know, I have always thought so pernicious,—where the wild boar was whetting his tusks, though no danger was near, that he might be prepared for danger. I wish our country would cease to

whet its tusks. The appropriations of the navy last year were nine million dollars. Imagine half—nay, a tithe—of this sum given annually to objects of humanity, education and literature! I know of nothing in our Government that troubles me more than this thought. And who can talk so lightly of war? One year of war would break open and let loose all the imprisoned winds, now happily imprisoned by that great Aeolus—Peace—and let them range over the world."

Thus he placed universal emancipation and universal peace before him as the great objects to be sought for in our ever-widening civilization. Both causes, it will hereafter be seen, were to be strangely influential in moulding his own fortunes. But such a thought had probably never thus far occurred to him. His interest in them seemed to come only from his thoughtful reading and observation and his convictions upon these subjects,—so deep that he could not repress an expression of them, when he saw how generally they were ignored. Thus far his earnestness and the intensity of his convictions were known only to his intimate friends. To them he spoke and wrote freely his opinions and to them they were well known. But to the public who knew him, if it knew him at all, only as a struggling young attorney, of scholarly tastes and attainments, giving of his time largely to writing for a law magazine and hearing recitations in the Law School, what mattered it what his opinions were upon subjects occupying so little of the commercial mind as war and slavery? It was reserved for the future to develop the importance of these subjects, both to him and them.

It is apparent how much Sumner was occupied at this time with subjects outside of his profession and yet involving questions of international law. Another subject of this kind, that he took much interest in, attracted public attention at the time, though it is now almost forgotten. It was known as the *Somers* Mutiny. The U. S. brig of war *Somers* had sailed for the coast of Africa, under the command of Alexander Slidell Mackenzie. The "Mackenzie" was added to his name by an act of the Legislature of New York. He was a brother of John Slidell who with Mason, was a Confederate Commissioner to England and other European countries during the American Civil War. The crew of the *Somers* was partly composed of cadets from the U. S. Naval Academy at Annapolis, Md., among whom was Philip Spencer, a son of John C. Spencer, then Secretary of War in President Tyler's Cabinet. During the voyage, a mutiny arose among the crew, headed by young Spencer and two others, Small and Cromwell. Their purpose

was to kill the officers, take possession of the ship and turn pirates. The mutiny was discovered and the leaders of it were arrested and thrown into irons, but it threatening to break out again, Mackenzie called a council of his officers and they recommended that the safety of the vessel required that the leaders be hung. Spencer, Small and Cromwell were accordingly hung at the yard-arm.

Upon the return of the vessel to the United States, the matter was the subject of an investigation by a court martial. The position and influence of Spencer's father made the situation a dangerous one for Mackenzie. Sumner was appealed to by the friends of Mackenzie to write and publish a defence of the action of the officers, to aid in keeping public sentiment right in Boston. This he did in a strong article in the *North American Review*, taking the position that the executions were justifiable on the ground of self-defence, that it was not a question alone, what the actual danger was, but whether the officers, in the reasonable and proper use of their faculties, had just ground, from the circumstances, for believing, that their own lives and the safety of the ship required this action. His position was approved by Judge Story and by Judge Prescott, the father of the historian.

Mackenzie was acquitted by the court martial. He never ceased to remember with gratitude the kindness of Sumner. He was a man of culture and the author of some books of merit. He promptly wrote Sumner a letter acknowledging his obligation and later visited Boston and again thanked him. They were entertained together by Longfellow. Sumner was later entertained by him and his wife at their home, in Tarrytown, on the Hudson River. When he died, a few years later, there was among his papers a sealed note, to be opened by his wife, after he died, in which he requested some one to communicate to Sumner, in his name, his thanks for his friendship and to add an expression of his high appreciation of it. At the instance of Mrs. Mackenzie, this message was communicated to Sumner by Commodore Perry.

This incident in Sumner's life has a sequel to it. In 1851, Sumner was at Saratoga. He had recently been elected to the U. S. Senate. He and John Slidell, then a Senator from Louisiana, were invited by a mutual friend to dine together; but Slidell at once excused himself and declined the invitation. In defending his breach of courtesy afterwards, he admitted the obligation he was under to Sumner for the chivalrous defence of his dead brother, but justified himself, on the ground that Sumner, in a public speech, had invoked upon Massachu-

setts a spirit of such inhospitality to slaveholders, as would prevent any of them from ever setting foot within the state. Slidell declared he would never break bread with a man who entertained such sentiments.

With Sumner's growing interest in slavery and war it was natural that he should take an added interest in the Presidential election of 1844. The Democrats had nominated Polk and the Whigs, Clay. The former were threatening war with Mexico and the annexation of Texas; the latter were opposing both. Sumner watched the struggle with interest but took no public part in it. He voted for Clay and hoped he would be elected and was much disappointed at his defeat. But it was the interest of a scholar or philanthropist that Sumner felt; not that of a partisan. Party ties were never very strong with him and, thus far, he could hardly be said to have any.

In December, 1844, he was the Whig candidate in his ward for member of the School Committee. The ward was entitled to two members and his party was in the majority; though his colleague was elected, he was defeated. He had become much interested in the cause of education and this induced him to allow the use of his name. He does not, however, seem to have felt much interest in the contest. He and his friend Howe were in active co-operation with their friend Horace Mann in his efforts to promote the cause of popular education in Boston, and if elected Sumner would probably have lent his influence to theirs to conform the city schools more to European models.

One service he undertook for the cause of education, at this time, that afterwards seriously embarrassed him. He was chairman of a committee appointed to secure an appropriation from the legislature of Massachusetts to rebuild the state normal schools at Westfield and Bridgewater. He discharged this duty with his accustomed ardor and fidelity, distasteful as the task was to him of approaching the members of the legislature for this purpose. He met from them a cool reception and only after considerable effort and many discouragements was his committee able to secure a grudging appropriation of five thousand dollars and this coupled with the condition that the memorialists raise an equal amount. The towns contributed one thousand dollars each; and the other three thousand dollars the committee undertook to raise by private subscriptions.

To hasten the buildings, Sumner injudiciously agreed to raise five thousand dollars upon his own personal note, taking the contributions of the towns when collected in part payment. Thus money, that might have been easily raised with the ex-

ciment of securing new buildings, was left to be raised after the buildings were completed and the enthusiasm gone. Sumner found himself a year afterwards, when the note came due, without funds to meet it and three years later it was still unpaid. He had cause of complaint against some members of the committee who did not properly support him. The private subscriptions, to anticipate which the note was partly given, were slow in being paid and some were not paid at all. It would have been better to allow the schools to continue in the buildings they had, though unsuitable, until the money was actually in hand. But with the aid of Mr. Waterston, another member of the committee, who was always with Sumner faithful to the enterprise, the whole difficulty was at last adjusted.

He performed another service for the public in 1845. The Boston Athenæum was to be removed to its site on Beacon Street and he was appointed upon a committee to determine the plan of the new building. He was much interested in the work of the committee. He wrote to Crawford and his brother George, telling them his objections to numerous plans submitted, giving them his ideas of what the building should be and asking them for suggestions. He wished especially to secure a large, hospitable, vestibule hall and stairway and having admired the stairs leading to the Vatican on the right of St. Peter's at Rome as "of such exquisite proportions that you seemed to be borne aloft on wings," he had George send him their width, height and breadth. His interest in architecture while in Europe and his acquaintances there were otherwise useful to him in his work upon the committee.

In 1844 Sumner was elected a corresponding member of the New York Historical Society and to a membership in the American Antiquarian Society of Worcester, Mass. The former honor he owed to his friend John Jay of New York. Hillard, about the same time, was made a member of the Massachusetts Historical Society. The result of George Sumner's investigations, in Europe, into the history of the Puritans while in Leyden, which he had embodied in a monograph of thirty-two pages, appeared in the collections of the last named society published, in 1845. It is a valuable contribution to the early history of the Puritan fathers,—Charles pronounced it the most interesting they had ever published. It is repeatedly referred to, with commendation, by Palfrey in his History of New England. George was a discriminating, scholarly man, fairly described by Charles as, "sagacious, learned, humane, interested in all the institutions, which are the fruit and token of civilization in the true sense of that word."

Judge Story had suffered a protracted illness, in the early part of the year 1843. During his sickness, Sumner took his place in the Law School and performed half the work there, in lecturing and hearing recitations. He tried to keep up the work of his law office, at the same time, but in doing so found himself a very busy man, the lectures requiring, for their preparation, a great deal of attention. He continued his residence in Boston, and the daily trips to Cambridge made an additional draft. He was thus occupied for eight months. During this period he withdrew entirely from society, declining all invitations, except the hospitalities of one or two intimate friends.

But on the tenth of April, 1844, he commenced another task that taxed him still more severely. He undertook for two thousand dollars to edit and annotate the Chancery Reports of Francis Vesey, Jr., in twenty volumes furnishing the manuscript at the rate of a volume each fortnight,—as fast as fifty-seven printers could print it. In the notes, he was to bring the learning upon the questions decided down to date with a full reference to all the English and American authorities. It was a herculean task and well-nigh proved fatal to him. As it progressed he realized the hopeless drudgery of his undertaking and plead for more time, but the publishers were inexorable and he struggled on with his load, working till two o'clock in the morning, until the completion of the fourth volume, when he broke down and suffering from a slow, nervous fever, brought on by too great work and confinement and too little exercise, he was obliged to stop. This was about the first of June; and he was not able to resume work until the middle of November.

During June and the first half of July, he was confined to the house, unable to do anything more than write one or two letters to his brother George. About this time, his disease took a more serious turn and for the next two weeks he was completely prostrated, with a raging fever and delirium, and for several weeks the physicians despaired of his recovery. But by July thirty-first, he had so far improved as to be able to dictate another letter to George. The vigor of his constitution gradually asserted itself and he was soon able to drive out. On the sixteenth of August, he dictated a letter to Howe that describes the progress of his disease:

“ You will find me a wreck. When I wrote you, July first, I seemed nearly well; but in a few days the ship was struck again, and the bolt, it was said, had pierced the hull. I became very weak after passing through the various stages of a fever. During the season of my strength I raged about my room for

half the nights, invoking sleep (which once descended upon me so gently), in every way. One of those nights I was filled with the idea that I had a long interview with you, and I inquired in the morning if you had not been at the house the night before. As my strength wasted I kept to my bed. It was only afterwards that I knew that, at this time, all my friends (except Longfellow) abandoned all hope of my recovery. Even Hillard, who held out long, confessed that when he saw me bereft of strength and almost speechless, he went away thinking with all others that my end was at hand. Meanwhile I knew nothing of this anxiety. Felton laughed jollily each day at my bedside, and Hillard and Longfellow, the only other persons I saw, said nothing to excite my observation. But the strength of my constitution *conquered*; though the very day on which I felt within me the instinct of recovery, Dr. Jackson solemnly told me that my case was incurable and that if I should live I never should be able to do anything. To this I replied that I did not shrink from the idea of death; but to pass through life doing nothing, performing no duty, perhaps ‘a driveller and a show’—this was more than I could bear. He replied, ‘Perhaps the vigor of your constitution will conquer all.’ Since then I have been gaining strength slowly, but each day. I am driven out nine or ten miles daily. As I meet friends, I observe the astonishment with which they regard me, apparently as one risen from the dead. Ben Pierce said to me in his artless manner, ‘Well! I never expected to see you again.’”

“For such a signal recovery another person would feel unbounded gratitude. I am going to say what will offend you, but what I trust God will pardon. Since my convalescence I have thought much and often whether I have any just feeling of gratitude that my disease was arrested. Let me confess to you that I cannot find it in my bosom. . . . Why was I spared? For me there is no future either of usefulness or happiness.”

He was very much worried for fear he would come out of his sickness a confirmed invalid. To Longfellow he wrote, on August twenty-eighth: “Dr. Jackson insists that my condition is ‘very serious’, and commends me to great care of myself. Perhaps he is right, and my future life is to be that of a halting invalid. At the thought of this—not at the idea of death, for of this I am careless—shadows and thick darkness descend upon me.” And this thought seems to have pursued him for weeks. He recurs to it repeatedly in his letters, as the one fate most to be dreaded. He did not fear death. He was despondent. And, indeed, this was not an uncommon state of his mind,

during these years, both before and after this sickness. He was dissatisfied with what he had been able to accomplish and with his prospects in life. He felt that it was so far short of what he had aimed at, that his career was a failure. He could welcome death as a release from toil and the responsibility which he felt life imposed,—especially when it brought no recompense in honor or recognized usefulness. And to live and drag out the miserable existence of a constant sufferer, of no use to his friends or humanity, but a care and charge to others,—the thought of this was worse than the prospect of death!

But he was willing to confess that his sickness had some compensations. His friends were very attentive to him. While his disease was at its worst, only Hillard, Longfellow and Felton were admitted to his room, but many others called to inquire after his health and sent presents of woodcocks, plovers and other delicacies to tempt his appetite. As he grew better others were admitted to his room and helped to lighten his hours. Bancroft had been nominated, by the Democrats, against his wish, for Governor, and he came with a humorous proposition to appoint Sumner “one of his aides-de-camp”. But when the election was over he found he had no offices to fill. When Sumner was able to drive out, numerous invitations came to him for visits during his convalescence.

He gratefully mentioned this kindness in a letter to George: “I cannot forbear alluding, however, to the great kindness, interest and sympathy which I have received from quarters from which I had little occasion to expect them. Blessed be the kindly charities of life! They sweeten existence and come with healing even to the suffering invalid. Better than before I know now the affection and tenderness which grace the lives of many, from whom I did not expect, to such an extent, these soft virtues. Let me extract from my sickness a moral: It may not be unprofitable, if it serves to elevate humanity in my mind, and to inspire love and attachment for my fellow-men.”

On the twenty-eighth of August, he had so far recovered as to be able to undertake a journey to Pittsfield, where he went by invitation to spend a couple of weeks with Mr. Nathan Appleton’s family, who were summering there. They thought the bracing air of the woody hills of Berkshire would hasten his recovery. Hillard accompanied him and remained a week; and Howe, just arrived from Europe, hastened there to see him. He spent his days, at Pittsfield, as much as possible in the open air, riding horseback and in the carriage and making repeated excursions to Lenox and Stockbridge and other neighboring villages. At Lenox he was the guest of Mr. Samuel

Ward and there he met the Austins, the Sedgwicks and Mrs. Butler (Fanny Kemble). This gifted woman was then making her home there and, in the parlor of the Sedgwicks, he heard her read "Macbeth," and sing, and enjoyed the charm of her conversation.

This picture, he gives us, of his life at Pittsfield and Lenox. On Saturday he went with Edward Austin in an open buggy to view the farms. Afterwards they looked on while the girls and others enjoyed the sport of archery. "The next day was Sunday, and I was perplexed whether or not to use Mr. Newton's horse, as I presumed the master never used him on Sunday. But my scruples gave way before my longing for the best of exercise. I left Pittsfield as the bell was tolling for church and arrived at Lenox sometime before the second bell. I sat in Miss Sedgwick's room; time passed on. Mrs. Butler proposed to accompany me back to Pittsfield on horseback. I stayed to the cold dinner, making it a lunch; time again passed on, from the delay in saddling the horses. We rode the longest way, and I enjoyed my companion very much. I did not reach home till four and a half o'clock. Meanwhile the whole house had been filled with anxiety on my account."

But with all this pleasure, he did not forget to repeatedly intercede with the Governor of the Commonwealth, whom he met there, to appoint his friend Luther S. Cushing, a judge of the Common Pleas Court. And Cushing shortly afterwards received the appointment.

From Lenox, Sumner went to Newport, where his brother Albert had a cottage, hoping that the ocean breezes would supplement the benefits he had received from the Berkshire Hills. Here he resorted again to his favorite exercise of horseback riding, spending the days, as much as possible, in the open air and the nights in sleep. He soon felt the effects of both in an abundant return of health. On September thirtieth, he wrote Howe: "I am so well that I begin to tire of my intellectual inactivity and yearn to plunge again into my affairs. I shall be with you at the beginning of next week well mended."

But sad tidings from Julia cut his visit at Newport short. The word was that Mary was failing rapidly and they feared the end was near.

He hurried home to see their worst fears realized. She passed away on Friday morning, October eleventh, 1844, and was buried the following Sunday afternoon.

Two days later, in communicating the intelligence to George, Charles wrote: "I was recalled from Newport, where I was passing my time in exercise in the open air, by the tidings of

the progress of Mary's disease. I found her weak, very weak,—almost voiceless. Her beautiful countenance was sunken; and the sharp angles of death had appeared even before the breath had departed. She lingered on, however,—sometimes in considerable pain—and we feared with each protracted day new suffering. She herself wished to die; and I believe that we all became anxious at last that the Angel should descend to bear her aloft. From the beautiful flower of her life, the leaves had all gently fallen to the earth; and there remained but little for the hand of death to pluck. During the night preceding the morning on which she left us, she slept like a child, and within a short time of her death, when asked if she were in pain, she said: ‘No: angels are taking care of me!’”

For more than two years she had been in failing health. Her disease finally developed into consumption, to which the family had an hereditary tendency, and, during the summer and fall of 1844, it made rapid progress. She and Charles were both sick at the same time, confined to their rooms at home, and the care of them was a severe experience to their mother and Julia. The burden of it fell on the mother. While Charles' disease was at its worst, she nursed him and then, as he improved, she turned to Mary, who was sinking rapidly. For some weeks Mary was taken to Springfield and Waltham, hoping that a change would prove beneficial, but with the gleams of hope and seeming improvement, peculiar to this disease, which charms its victims, while it steals its coils about them, she faded away and soon came home to die.

Her death was a sad stroke to Charles. She was his favorite and the most beautiful of his sisters. She had a lovely disposition. Having reached young womanhood, while he was in Europe, when he returned to enter upon the most enjoyable years of his young manhood, he found her a delightful companion. She was tall, finely formed and graceful, with a clear-cut Grecian face, enjoying society and deservedly popular. He found much pleasure and pride in their association. Her unexpected sickness, coming just as life was opening before her, with so much promise of happiness both for herself and others, the long, slow but irresistible decline, as irresistible and pitiless as fate, which he was doomed to watch with so much solicitude and yet feel himself powerless to avert, his descent into the very valley of the shadow, at her side, to be afterwards rescued, just as the final blow descended upon her, to be hurried home to see her laid away, where the winds of winter were already sweeping the grave of her young life, to go back to their old home that hardly seemed home without her and then be obliged to turn

to his own solitary ceaseless task, with this dark background of thought,—was a sad experience. He always regarded it as one of the saddest of his life. The familiar figure, in life's opening hardly conscious of its own beauty, the quiet, sweet disposition, spreading its gentle, womanly spirit over his life, was gone. And yet, not gone;—for it lingered, in memory, forever!

With the beginning of November, he was back at his work again. His “friction-match” case, which has already been noticed, was his first serious employment. The suit for damages was tried to a jury and resulted in a verdict for his client. In the argument of it, Sumner spoke ten hours,—arguments were longer then than now. Closing this business, he resumed work on his edition of Vesey. When his sickness overtook him, he was obliged to give it up and the publishers employed others to continue his work. In this way the fifth volume was edited by J. C. Perkins, of Salem, Sumner hoping that with this assistance he would be able to continue the others. And he did finish the sixth. But then he again broke down and, during his sickness, the seventh to the twelfth volumes inclusive were edited by Mr. Perkins and Mr. Charles B. Goodrich. Sumner finished the others. It occupied him fully for the next six months and before it was finished, he was compelled to realize again the drudgery of his task. One feature he added to it, unusual then and still so in law books; he inserted sketches of the lives of the judges and others whose names appeared in the reports.

He soon fell back into his old habit of working late into the night. Writing to his brother George, on December thirty-first, he said: “It is now almost midnight,—an hour after the time when my physicians sentenced me to bed. In truth, however, I am not very regardful of their injunctions. These late hours,—the crown of the night—are the choicest of the twenty-four for labor, for reading and thought; and I feel guilty of a wasteful excess when I sacrifice them to sleep.” He withdrew from society and avoided assemblages of people, but he relaxed this rigorous life, during the holidays, to dine one day with Mr. Webster and enjoy a turbot, a tribute sent to him from England. On the third day of June, 1845, he wrote Lieber, that his edition of Vesey’s Reports was finished. It was dedicated to Judge Story, as a token of gratitude and admiration, which the judge gracefully acknowledged.

This was Sumner’s first venture in authorship, if we except his contributions to law magazines and periodicals. With this latter sort of writing he had considerable experience. Com-

menacing with his labors, as one of the editors of the *Jurist*, before he went to Europe, he continued it after his return, by numerous contributions to the *Law Reporter* and an occasional one to the *North American Review*. The *Law Reporter* was edited by Peleg W. Chandler, one of Sumner's friends, an attorney whose office was at Number Four, Court Street. Sumner wrote reviews of "Story's Bills of Exchange" and of the reports of New Hampshire and Maine, of "Wedgewood's U. S. Statutes" and "Perkins' Brown's Chancery Reports," articles on "The Eightieth Birthday of Chancellor Kent," "The University of Heidelberg," "The Number Seven," "Punishment and Prisons," etc. His contributions to the *Reporter*, like those in the *Jurist*, show him to have had more interest, in the literature of the law, than in the law itself; and, indeed, many of his articles for these periodicals would now hardly be classed as matter for a legal publication. But they all show his wealth of learning, his wide reading, his marvellous memory and his easy, flowing style.

Too much importance can hardly be given the effect of his work on these legal periodicals on Sumner's career. He was estimated a good writer among his classmates in college, but his performances there do not rank as of any permanent importance. But the daily practice of writing, given by his position as one of the editors of the *Jurist*, formed his style upon the severe model of clear, pure, practical English, at a very early period of his life. It taught him thoroughly what was good English and made him quick to recognize and appreciate it, when it appeared in the form of new books, as in the histories of Prescott and Bancroft. And it taught him the ways and habits of editors of newspapers and periodicals and gave an intimate acquaintance with those of Boston, his home city, and of his State. All through his after-life these things were of great advantage to him. He could promptly write a creditable review of a book or a friendly notice of a man and secure their publication; and thus bring either to the favorable notice of the public and, what was frequently of more importance, of the editors. This ability of Sumner, with his promptness to use it, in behalf of his friends, made his friendship, even in these early days, valuable with such men as Prescott and Bancroft, Longfellow and Whittier, and Emerson and Story.

And theirs was powerful for him. It was such men as these that opened the door of his extraordinary career as a traveller in England and even on the Continent. The people he met there were also quick to recognize and appreciate such ability.

They felt that what he saw and heard would in all probability reach, in some form, a wider audience and they were, therefore, more willing to extend his opportunities for information, as well as pleasure.

It is not to be understood that these beautiful friendships, that have been mentioned, sprung from selfish considerations. Far from it! They were, by far the greater part, owing to the charming personality of the men, who formed and cherished them, and the disinterested affection, I may also add, they entertained for one another. But notwithstanding, in reviewing Sumner's life, the practical lessons to be drawn from it must not be overlooked. They loved and therefore they helped one another and this was one of Sumner's ways of helping them. He then expected his own career to be made by his pen.

It was not till May, 1845, that he made his first public address before a popular audience. It was on the occasion of a meeting of the Boston Prison Discipline Society, held in Park Street Church. The secretary of the society read the annual reports in which he took strong grounds against the system of solitary confinement, as pursued in the Pennsylvania Penitentiary, at Philadelphia. Howe and Sumner were present. Both had taken some interest in the subject, which was then more discussed than now. When they heard this system, as they thought, unjustly assailed, Howe arose in its defence; and Sumner followed him with a few impromptu remarks. The discussion their remarks provoked, led to the appointment of a committee, which included both Howe and Sumner, to visit the Philadelphia prisons and make a detailed report, from actual observation, of their operation. The results of his observation Sumner embodied in an article published two years later, in the *Christian Examiner*, upon the occasion of the erection of a new jail in Boston. He then urged with some earnestness the adoption of the system of separate confinement of criminals as pursued in the penitentiaries and some of the jails of Pennsylvania.

## CHAPTER XIII

CHOSEN ORATOR FOR JULY 4, 1845—THE OCCASION—THE ORATION ON “THE TRUE GRANDEUR OF NATIONS”—THE PUBLIC DINNER—ESTIMATES OF THE ORATION—JUDGE STORY’S DEATH—SUMNER’S TRIBUTE

IN 1845, Sumner was chosen to deliver the Fourth of July oration before the authorities and citizens of Boston. The occasion had been regularly celebrated, with this oration and other appropriate exercises, each year since the close of the Revolutionary War. In no other place had more been made of the occasion than in Boston. It had early been recognized by the mother country as the most rebellious and defiant city of the colonies and repressive measures were there soonest tried to reduce her to subjection, but the more repressive the measures, the higher rose the spirit of resistance among her people. It was in her harbor that the British tea was thrown overboard. This tea was treated by the colonists as the first appearance of articles of their consumption, on which they were to be taxed without representation. On her streets, in the Boston Massacre, the first blood of the struggle was shed, and in her neighborhood, at Lexington and Concord, were the earliest skirmishes of the Revolution; and, on her Bunker Hill, the first organized battle, between the raw militia of the colonists and the disciplined troops of Great Britain, was fought. In the war which followed Massachusetts furnished one soldier for every three enlisted.

Such facts supplied much inspiration for a Fourth of July oration. Among a people, who have always felt a just pride in them, a sympathetic audience was always to be found. The orators selected for the occasion, had usually been men of about Sumner’s age. It was a good opportunity for a young man to show the material that was in him; for to the large audience, before which he appeared, there was to be added the much larger, to which the printed address afterwards went; it being the custom for the city to publish the orations, after their delivery.

Sumner was notified of his appointment on April twenty-fourth. At first, probably mistrusting his fitness for the place,

he was disposed to decline it. But Hillard, Howe, Peleg W. Chandler and other friends urged him to accept it and he did. He then encountered some difficulty in the choice of a subject. Almost three years before, in acknowledging the receipt of a copy of his Fourth of July oration from Rev. Edgar Buckingham, Sumner wrote:

"I thank you very much for the oration you were so good as to send me. I admire the frankness and spirit with which you turned the celebration of the Fourth of July to an occasion for moral improvement. I wish that forever this day might be set apart throughout the whole country as the National Sabbath, to be employed in earnest inquiry into the real condition of public affairs, and in strengthening the foundations of moral principles and of concord. It should not be ushered in by the sound and smoke of cannons. Let it be a day of peace, and of those thoughts that flow from peace."

The orator had turned aside from the ordinary review of the events which led up to the struggle and the events of the war and the customary eulogy of the valor of the American troops, which has made the name of Fourth of July oratory synonymous with fulsome and spread-eagle speech, to the existing condition of the country and some growing evils, for which a remedy should be found. Among these he instanced slavery, a part of the oration which, Sumner wrote him, he particularly liked and hoped would be "responded to by the universal heart of the North." An incidental protest too, against devoting the day to thoughts of war and military glory, instead of moral and intellectual improvement, attracted the attention of Sumner, when in search of a subject and probably determined his choice.

The title of his oration was "*The True Grandeur of Nations*". It was in fact, an eloquent plea for universal peace. This was a subject, as we have already seen, that had interested Sumner for years. His letters contained frequent references to it, as called forth by occasion, and whenever he expressed himself he showed how deep were his convictions. The annexation of Texas which was then being much discussed, as a pending national question, and which was consummated the same summer, then threatened, and was shortly after followed, by the Mexican War, inspired by the hardly concealed purpose, on the part of its chief supporters, of acquiring more territory, out of which to carve slave states, gave at the time a very practical turn to the thoughts in Sumner's oration. There was also talk of war, growing out of the Oregon boundary troubles, with England.

The occasion was all that any one could wish. The day dawned a beautiful one, and was ushered in, with the booming of cannon, the ringing of bells and the firing of crackers by boys in the streets and upon the Common. The city was gayly decorated with flags and bunting and its streets were soon alive with its population, in holiday attire, and with people, who had come in from the surrounding country, to unite in the celebration. The U. S. battle-ship *Ohio*, then stationed in the harbor, was also decorated with flags to the water's edge and fired guns at intervals. An effort had been made to make the military display greater than ever before. The U. S. troops stationed at the neighboring fortifications, the crew of the *Ohio* and the local militia, had all been invited to participate.

Promptly at ten and one-half o'clock the procession headed by Sumner and the Mayor, followed by the city council, the military and naval organizations, in full uniform, with bristling bayonets and arms gleaming in the sunshine, attended by bands of martial music, marched from the City Hall to Tremont Temple, where the exercises were held. The hall was soon filled by an audience of two thousand people. A choir of a hundred voices, composed of children, selected from the public schools, all dressed in white, occupied the rear of the stage, while the front was occupied by distinguished men. The military occupied the front seats. After an invocation by the minister, the reading of the Declaration of Independence and a song by the choir, Sumner was introduced.

As he stepped out upon the stage, and, as it afterwards proved, into public life, he appeared the embodiment of manly beauty. He stood six feet three inches in height, weighing about one hundred and seventy-five pounds. In his earlier years he had grown rapidly and was tall and very slender and somewhat stooped, but this had now disappeared and he stood before his audience erect, handsomely proportioned, a splendid specimen of vigorous manhood. He wore a dress-coat, with brass buttons after the fashion of that time, with white waistcoat and trousers. He commenced his oration, in a measured tone of voice, yet loud enough to be heard throughout the hall:

"In accordance with uninterrupted usage, on this Sabbath of the Nation, we have put aside our daily cares, and seized a respite from the never-ending toils of life, to meet in gladness and congratulation, mindful of the blessings transmitted from the Past, mindful also, I trust, of our duties to the Present and the Future."

"All hearts turn first to the Fathers of the Republic. Their venerable forms rise before us, in the procession of successive

generations. They come from the frozen rock of Plymouth, from the wasted bands of Raleigh, from the heavenly companionship of Penn, from the anxious councils of the Revolution,—from all those fields of sacrifice, where in obedience to the spirit of their age, they sealed their devotion to duty with their blood. They say to us their children; Cease to vaunt what you do, and what has been done for you. Learn to walk meekly and to think humbly. Cultivate habits of self-sacrifice. Never aim at what is not *right*, persuaded that without this, every possession and all knowledge will become an evil and a shame. and may these words of ours be ever in your minds! Strive to increase the inheritance we have bequeathed to you,—bearing in mind always, that, if we excel you in virtue, such a victory will be to us a mortification, while defeat will bring happiness. In this way you may conquer us. Nothing is more shameful for a man than a claim to esteem, not on his own merits, but on the fame of his ancestors. The glory of the fathers is doubtless to their children a most precious treasure; but to enjoy it without transmission to the next generation, and without addition is the extreme of ignominy. Following these counsels, when your days on earth are finished, you will come to join us and we shall receive you as friend receives friend; but if you neglect our words, expect no happy greeting from us."

"Honor to the memory of our fathers! May the turf lie lightly on their sacred graves! Not in words only, but in deeds also, let us testify our reverence for their name, imitating what in them was lofty, pure and good, learning from them to bear hardship and privation. May we, who now reap in strength what they sowed in weakness, augment the inheritance we have received! To this end we must not fold our hands in slumber, nor abide content with the past. To each generation is appointed its peculiar task; nor does the heart which responds to the call of duty find rest except in the grave."

With this general introduction and brief reference to the past, he turned to the future. There was no further reference to the Revolution or the past of the Republic or the career of the Colonists, except only one or two and these the briefest, and by way of illustrating his argument. Once he referred to the peaceable example of William Penn in his treatment of the Indians, in whose footprints smiled "the flowers of prosperity", his people "unmolested and happy, while (sad but true contrast!) other colonies, acting upon the policy of the world, building forts and showing themselves in arms, were harassed by perpetual alarm, and pierced by the sharp arrows of savage war." Again he insisted that Washington did not rise "to a

truly heavenly stature ", when crossing the Delaware, through ice, to capture Trenton, nor when victorious over Cornwallis at Yorktown, but when "in noble deference to justice, refusing the kingly crown." He laid ours as he did other history under tribute to illustrate his argument, but for this only he looked to the past; his interest was with the future. The question before him was: "What can we do to make our coming welcome to our fathers in the skies and draw to our memory hereafter the homage of a grateful posterity?" He proposed to consider "what in our age are the true objects of national ambition,—what is truly National Honor, National Glory?"

He was prompt to declare that this question was of urgent interest from transactions in which they were then involved. "By an act of unjust legislation, extending our power over Texas," he declared, "peace with Mexico is endangered,—while by petulant assertion of a disputed claim to a remote territory beyond the Rocky Mountains, ancient fires of hostile strife are kindled anew on the hearth of our mother country. Mexico and England both avow the determination to vindicate what is called the *National Honor*; and our Government calmly contemplates the dread Arbitrament of War, provided it cannot obtain what is called an honorable peace."

"Far from our nation and our age be the sin and shame of contests hateful in the sight of God and all good men, having their origin in no righteous sentiment, no true love of country, no generous thirst for fame, 'that last infirmity of noble minds' but springing manifestly from an ignorant and ignoble passion for new territory, strengthened, in our case, in a republic, whose star is Liberty, by unnatural desire to add new links in chains destined yet to fall from the limbs of the unhappy slave! In such contrasts God has no attribute which can join with us. Who believes that the national honor would be promoted by a war with Mexico or a war with England?" . . . "A war with Mexico would be mean and cowardly, with England it would be bold at least, though parricidal."

As the orator proceeded, he warmed to his subject, his voice became clearer and louder, rising and falling in easy cadences, filling the hall and holding the undivided attention of his great audience; his gestures, apparently unstudied, were free and emphasized his meaning; his manner uniformly gave the impression of sincerity and deep earnestness and occasionally, as he recounted the horrors and wastefulness of war, amounted to intensity.

He spoke for two hours, entirely from memory, unaided by notes, except for figures and statistics. The oration seemed

to impress the audience as unusual and worthy of an attentive hearing, once or twice, as when he intruded upon the politics of some of his hearers, by attacking the course of the administration, in the annexation of Texas, or made an illustration of the likeness of a wild beast, which one of the military organizations present, wore as a device, a stir of disapproval appeared; but it quickly gave place to respectful deference to the manifest sincerity and candor of the speaker.

He dwelt first on the brutal and debasing character of war, the misery it entailed, cutting the peaceful bands of commerce that bind mankind together, man to man and nation to nation, and scattering, as a pestilence, the earth, with death and wasting despair. He condemned it as utterly insufficient to settle any question of justice or injustice, of right or wrong. He then considered the prejudices by which it is sustained,—the belief in its necessity, the practice of nations and even of Christian ministers in upholding it, “the point of honor,” and the pride of country. He emphasized the preparation for war, in time of peace, as wasteful and unnecessary. He inquired in succession of what use was the army, the fortifications and the militia? He denounced with unsparing words the maxim “in time of peace prepare for war.” He bade all hail the day when Peace, with its blessings of intellectual and moral supremacy, would dawn upon the world and the nations learn war no more!

The climax of the oration was reached when he drew a comparison between the literary and charitable institutions of Massachusetts and the battleship *Ohio*, then lying in the harbor, and other U. S. war vessels. His audience was familiar with the good work, which these institutions had done, in the community, and knew something of the extent of their endowments; but few of them knew the costs of construction and of the maintenance of the battleship. They were, therefore, not prepared for the comparison he made and the practical lesson he drew from it, of the cost of war. It made a decided impression.

“Within cannon range of this city stands an institution of learning,” he said, “which was one of the earliest cares of our forefathers, the conscientious Puritans. Favored child in an age of trial and struggle, carefully nursed through a period of hardship and anxiety,—endowed at the time by the oblations of men like Harvard,—sustained from its foundation by the parental arm of the Commonwealth, by a constant succession of munificent bequests, and by the prayers of good men,—the University of Cambridge now invites our homage as the most ancient, most interesting and most important seat of learning in the land,—possessing the oldest and most valuable library,

one of the largest museums of mineralogy and natural history,—with a School of Law, which annually receives into its bosom more than one hundred and fifty sons from all parts of the Union, where they listen to instruction from professors whose names are among the most valuable possessions of the land,—also a School of Divinity, fount of true learning and piety,—also one of the largest and most flourishing Schools of Medicine in the country,—and besides these, a general body of teachers, twenty-seven in number, many of whose names help to keep the name of the country respectable in every part of the globe, where science, learning and taste are cherished,—the whole presided over at this moment by a gentleman (Hon. Josiah Quincy) early distinguished in public life by unconquerable energy and masculine eloquence, at a later period by the unsurpassed ability with which he administered the affairs of our city, and now, in a green old age, full of years and honors, preparing to lay down his present high trust. Such is Harvard University, and as one of the humblest of her children, happy in the memories of a youth nurtured in her classic retreats, I cannot allude to her without an expression of filial affection and respect."

"It appears from the last Report of the Treasurer that the whole available property of the University, the various accumulation of more than two centuries of generosity, amounts to \$703,175."

"Change the scene, and cast your eyes upon another object. There now swings idly at her moorings in this harbor a ship of the line, the *Ohio*, carrying ninety guns, finished as late as 1836, at an expense of \$547,888,—repaired only two years afterwards, in 1838, for \$233,012, with an armament which has cost \$53,945,—making an aggregate of \$834,845, as the actual outlay at this moment for that single ship,—more than \$100,000, beyond all the available wealth of the richest and most ancient seat of learning in the land! Choose ye, my fellow-citizens of a Christian State, between the two caskets,—that wherein is the loveliness of truth, or that which contains the carrion of death."

"I refer to the *Ohio* because this ship happens to be in our waters; but I do not take the strongest case afforded by our Navy. Other ships have absorbed larger sums. The expense of the *Delaware*, in 1842, had reached \$1,051,000."

"Pursue the comparison still further. The expenditures of the University during the last year, for the general purposes of the College, the instruction of the undergraduates; and for the Schools of Law and Divinity, amounted to \$47,935. The cost of the *Ohio* for one year of service, in salaries, wages and provi-

sions is \$220,000,—being \$172,000 above the annual expenditures of the University, and more than *four times* as much as those expenditures. In other words for the annual sum lavished on a single ship of the line, *four* institutions like Harvard University might be supported."

"Furthermore, the pay of a captain of a ship like the *Ohio* is \$4,500, when in the service,—\$3,500, when on leave of absence, or off duty. The salary of the President of Harvard University is \$2,235, without leave of absence and never off duty."

"If the large endowments of Harvard University are dwarfed by comparison with a single ship of the line, how must it be with other institutions of learning and beneficence, less favored by the bounty of many generations? The average cost of a sloop of war is \$315,000,—more probably than all the endowments of those twin stars of learning in the Western part of Massachusetts, the Colleges at Williamstown and Amherst, and of that single star in the East, the guide to many ingenuous youth, the Seminary at Andover. The yearly expense of a sloop of war in the service is about \$50,000, more than the annual expenditures of these three institutions combined."

"I might press the comparison with other institutions of beneficence,—with our annual appropriations for the Blind, that noble and successful charity which sheds luster upon the Commonwealth, amounting to \$12,000, and for the Insane, another charity dear to humanity, amounting to \$27,844."

"Take all the institutions of Learning and Beneficence, the crown jewels of the Commonwealth, schools, colleges, hospitals, asylums, and the sums by which they have been purchased and preserved are trivial and beggarly, compared with the treasures squandered within the borders of Massachusetts in vain preparations for War,—and upon the Navy Yard at Charlestown, with its stores on hand, costing \$4,741,000,—the fortifications in the harbors of Massachusetts, where untold sums are already sunk, and it is now proposed to sink \$3,875,000 more,—and the Arsenal at Springfield, containing in 1842, 175,118 muskets, valued at \$2,099,998, and maintained by an annual appropriation of \$200,000, whose highest value will ever be, in the judgment of all lovers of truth, that it inspired a poem which in influence will be mightier than a battle, and will endure when arsenals and fortifications have crumbled to earth. Some of the verses of this Psalm of Peace relieve the details of statistics, while they happily blend with my argument."

"'W<sup>e</sup>re half the power that fills the world with terror,  
W<sup>e</sup>re half the wealth bestowed on camps and courts,

Given to redeem the human mind from error,  
There were no need of arsenals or forts;

The warrior's name would be a name abhorred,  
And every nation that should lift again  
Its hand against a brother on his forehead  
Would wear forever more the curse of Cain.'"

Sumner came directly to the answer of the question propounded in his subject, *The True Grandeur of Nations*, when near the close of his oration, he said: "The True Greatness of a Nation cannot be in triumphs of the intellect alone. Literature and art may enlarge the sphere of its influence; they may adorn it; but in their nature they are but accessories. *The True Grandeur of Humanity is in the moral elevation, sustained, enlightened and decorated by the intellect of man.* The surest tokens of this grandeur in a nation are that Christian Beneficence which diffuses the greatest happiness among all, and that passionless, god-like Justice which controls the relations of the nation to other nations, and to all the people committed to its charge. . . ."

"Oh, let it not be in the future ages as in those we now contemplate! Let the grandeur of man be discerned, not in bloody victory or ravenous conquest but in the blessing he has secured, in the good he has accomplished, in the triumphs of Justice and Beneficence, in the establishment of Perpetual Peace!"

Sumner did not claim that all wars were wrong; for he excepted defensive wars, occurring when a nation was unjustly assailed and no recourse was left it, but self-defence or destruction. He believed that, however wrong on the part of the aggressor, it was the duty of the nation thus assailed to defend itself. But he fearlessly maintained that every act of aggression by one nation upon another, on some frivolous pretext, but in reality for the acquisition of territory, that did not rightfully belong to it, was morally wrong. He maintained that a nation, like an individual, was answerable for it, in the sight of God and all good men.

The illustrations that he had in mind were the prospective wars with Mexico and England, growing out of our claims in Texas and Oregon. He thought both claims were without rightful foundations and that Texas was sought to secure the extension of slavery, to which he was unalterably opposed. The Oregon dispute was soon afterward settled by peaceful negotiations. But Texas was annexed and the Mexican War followed, it became a slave state, a part of her territory was incorporated in Kansas, also sought to be made a slave state; other parts

went to make up New Mexico, Indian Territory and Colorado, ominous locations; the parent territory became one of the seceding Confederate States and sustained with her blood and treasure the War of the Rebellion, a consummation, which even the anxious eye of Sumner did not then foresee, in its entirety. But he saw enough to condemn the project unsparingly. Originally a part of Mexico and for only a few years maintaining a disputed and uncertain independence, he believed the United States should not be permitted to become embroiled in the troubles of Texas so as to create a pretext for her annexation.

To take what did not belong to a man, merely by right of superior strength, he believed to be robbery; and he did not esteem it anything less when accomplished by the aggregation of men composing a nation. The numbers engaged could not change the morality of the act in his eyes and for such cause he would not silently see the treasure of the nation consumed. He thought the maintenance of such a war establishment as the United States then had, in time of peace, when no enemy was near, encouraged her to seek such occasions to show her strength and should be abolished; and the treasure thus expended saved for the promotion of intelligence, righteousness and religion.

His speech was an eloquent plea for universal peace, a condition generally considered to be far beyond the reach of living generations; but it was an urgent appeal to all that is best in our nature to lend its aid to this cause. The oration revealed a lofty nature, filled with the love of justice, and morality, a cultured mind, stored with the rich fruits of hard study, a high ideal, placing its standard far in advance of the position of its own generation and a determined purpose to bring civilization up to it. It was an earnest of Sumner's life-work.

But the oration did not meet with universal approval. At the public dinner, given in Faneuil Hall, immediately after the exercises in Tremont Temple, the feeling of dissent, that had so far been hardly concealed, broke out and composed the burden of the responses, to a number of the toasts. The officers of the military and naval organizations, that had taken part in the parade, at first hesitated, but finally consented to be present at the dinner. Sumner had made some unrelished allusions to them. Referring to the militia he had, for example, said: "And when the youth becomes a man, his country invites his services in war and holds before his bewildered imagination, the prizes of worldly honor. . . . The contagion spreads beyond those subjects to positive obligation. Peaceful citizens volunteer to appear as soldiers, and affect in dress, arms and deportment, what is called the 'pride, pomp and circumstance of

glorious war.' The ear-piercing fife has to-day filled our streets and we have come to this church, on this National Sabbath, attended by the thump of drum and with the parade of bristling bayonets." This and some similar allusions were resented by the soldiers. Having been invited to be present and take part, these references were regretted by some of the audience.

This may have influenced some of the speakers at the dinner. Sumner's friend, John G. Palfrey, led off in the dissent, and he was followed by Robert C. Winthrop, who closed by announcing this toast, afterwards somewhat notorious: "Our country, bounded by the St. John's and the Sabine, or however otherwise bounded or described; and be the measurements more or less, still *our* country to be cherished in all our hearts, to be defended by all our hands." Others followed; some of them approaching coarseness in their allusions to the oration; and even these received unmistakable evidence of approbation from their hearers. Sumner sat by Winthrop and heard all, apparently without resentment and with hardly any perceptible embarrassment. In his own thoughts, he probably felt content to leave the issue with the larger audience, by which he hoped his effort would live to be tried.

At the close, Peleg W. Chandler, who presided, sought "to pour oil on the troubled waters," by some good-humored references to the oration and the toasts, that caused a little merriment and restored a better feeling. He then announced the toast: "The orator of the day! However much we may differ from his sentiments, let us admire the simplicity, manliness and ability with which he has expressed them." Sumner responded briefly, saying he would not follow with one word the apple of discord, he seemed to have thrown into the exercises of the occasion, and closed by adding that, however much they might differ as to the principles *he* had advocated, he was sure there was one sentiment they would all approve and that was admiration for the youthful choristers, who had gladdened the occasion, with the music of their voices. He proposed the toast: "The youthful choristers of the day! May their future lives be filled with happiness, as they have to-day filled our hearts with the delight of their music!"

The dignity with which he bore himself, the absence of all appearance of resentment and the tact with which he turned discussion from himself helped to disarm criticism and left a favorable impression upon those present at the dinner, though he had not retracted any of his previously expressed convictions.

The impression made by the oration upon the general public was a remarkable one. The demand for printed copies was un-

precedented. Eight editions of it were issued in America and two in England, within a year, making about ten thousand copies that came from the press in that time. Other editions have since been printed. It was distributed as a tract by the Peace Societies of Boston, Philadelphia, Liverpool and London; and it is still printed for this purpose. In this and other ways copies of it were distributed systematically to many newspapers in America and Great Britain and to many of their leading statesmen and publicists. Many of the newspapers to which it was sent, noticed it and some of them printed extracts from it, in their columns; the religious papers generally approved its doctrines while the secular ones generally criticised them as impracticable; but all that discussed it agreed in commending the learning and eloquence which it displayed.

The same remarkable character of the oration was attested by private communications which Sumner received. But many of these frankly expressed dissent. Old Jeremiah Mason, always original and always to the point, bluntly told him that "an anti-war society is as little practicable as an anti-thunder-and-lightning society."

William H. Prescott wrote, he could not go along with him in the expression of the sentiment, "There can be no war that is not dishonorable", when he remembered Marathon, Morgarten, Bannockburn, Bunker Hill, the wars of the Low Countries,—all those wars which have had and which are *yet* to have freedom for their object. "I can't acquiesce in your sweeping denunciation, my good friend." He added, "I admire your moral courage in delivering your sentiments so plainly in the face of that thick array. . . . I may one day see you on a crusade to persuade the great Autocrat to disband his millions of fighting men, and little Queen Vic to lay up her steamships in lavender! You have scattered right and left the seeds of a sound and ennobling morality, which may spring up in a bountiful harvest, I trust,—in the millennium; but I doubt."

John A. Andrew, afterwards the War Governor of Massachusetts, wrote, in different vein: "You will allow me to say that I have read the oration with a satisfaction only equalled by that with which I heard you on the fourth of July. And while I thank you a thousand times for the choice you made of a topic, as well as for the fidelity and brilliant ability which you brought to its illustration, (both to my mind, defying the most carping criticism), I cannot help expressing also my gratitude to Providence, that here in our city of Boston, one has at last stepped forward to consecrate to celestial hopes the day—the great day

—which Americans have at best heretofore held sacred only to memory."

Judge Story wrote thanking him for a copy of it and added: "I have read it with uncommon interest and care, as you might well suppose, as well on your own account as from the various voices of fame which succeeded the delivery. It is certainly a very striking production, and will fully sustain your reputation for high talents, various reading and exact scholarship. There are a great many passages in it which are wrought out with an exquisite finish and elegance of diction and classical beauty. I go earnestly and heartily along with many of your sentiments and opinions. They are such as befit an exalted mind and an enlarged benevolence. But from the length and breadth of your doctrine as to war, I am compelled to dissent. In my judgment, war is under some (although I agree, not under many) circumstances, not only justifiable but an indispensable part of public duty."

"I have spoken in all frankness to you because I know that you will understand your friends too well to wish them to suppress their own opinions; but be assured that no one cherishes with more fond and affectionate pride the continual advancement of your professional and literary fame than myself, and no one has a deeper reverence for your character and virtues. Believe me, as ever, most truly and affectionately."

It will be noticed that these are expressions from men of world-wide reputation upon the effort of a young gentleman hardly past thirty-four years of age on his first studied appearance before a popular audience. Sumner received many other letters from persons, at home and abroad. Perhaps no oration in the history of modern literature ever had a success at once so immediate and so permanent.

It influenced the course of Sumner's life. Until the fourth of July, 1845, he had not known the powers of oratory he possessed, but that day brought a revelation to him as well as to the public. For several years, a disposition to despondency and dissatisfaction with himself and with his past in life had been growing upon him; but now he was taught that he had a work to do and a talent for it; and his sadder moods became less frequent. His relation to the public was changed; attention had been attracted to him and there was a desire to hear farther from him. It was the first of a series of brilliant orations that established his fame and carried him to a seat in the U. S. Senate. With strict propriety, Sumner, twenty-five years later, nearing the close of life and gathering his *works* together, in permanent form, placed this oration first in the collection.

Whatever he had written or said before, he was willing to let pass into oblivion, but with this oration he designated that his *work* commenced.

The same year that marked Sumner's appearance before the public in his "True Grandeur of Nations," witnessed the loss of his earliest and best friend. Judge Story died on September tenth, 1845, at the age of sixty-six, stricken down in the full tide of his usefulness. He had been thirty-four years a judge of the U. S. Supreme Court and sixteen years a professor in the Law School at Harvard. Two days before the commencement of his illness, he was in court and pronounced the decision, in a complicated case. After his death, another was found among his papers, ready for delivery. Eight days after he was stricken, he was dead. He was buried in Mount Auburn cemetery at Cambridge where were already laid his children who had preceded him. He died as became a Christian, with a prayer on his lips that his Father would take him to himself.

This closed a friendship that had lasted from the time of Sumner's earliest recollection, through the years of a generation, without a jar. Though the disparity of their ages may suggest such a relation between them as that of father and son, in reality it was a closer relation than this ordinarily is. The abounding life and vivacity of the judge, his hearty sympathy with the young, in their troubles and triumphs and ambitions, and the glamour of his official position, with the respect it inspired, had attracted Sumner very early in life and for many years he had seen in Judge Story his ideal of a man. In college; in the law school, as a student and later as an instructor; in his private reading and his recreations; in his thoughts of Europe, in securing the means for his trip and in opening the doors of society and the avenues for improvement while abroad; and still later, in his efforts at the bar and in literature, Sumner had always found in Judge Story his faithful mentor and friend. Step by step he had followed him with more than a father's care.

But he was destined never to see the good seed he had sown ripen into its full harvest. It is a touching thought that, where Sumner's *work* commenced, this faithful friend's ended. The last letter of importance Judge Story wrote, was the one we have quoted; and the touching words at its close, comes through the lapse of years like a parting benediction: "be assured that no one cherishes with more fond and affectionate pride the continual advancement of your professional and literary fame than myself, and no one has a deeper reverence for your character and virtues," and then the last word of parting, destined to be

the last word between them, "affectionately,"—summing up in that one word the measure he felt for the relation thus closed.

The second production in Sumner's Works and the one immediately following the fourth of July oration is a beautiful tribute to Judge Story which Sumner wrote for the Boston Advertiser, of September sixteenth, 1845, "I have just returned," it commences, "from the funeral of this great and good man. Under that roof where I have so often seen him in health, buoyant with life, exuberant in kindness, happy in family and friends, I have stood by his mortal remains sunk in eternal rest, and gazed upon those well-loved features, from which even the icy touch of death had not effaced all the living beauty. The eye was quenched and the glow of life extinguished; but the noble brow seemed still to shelter, as under a marble dome, the spirit that had fled. And is he dead, I asked myself,—whose face was never turned to me, except in affection,—who has filled the civilized world with his name, and drawn to his country the homage of foreign nations—and who was of activity and labor that knew no rest,—who was connected with so many circles by duties of such various kinds, by official ties, by sympathy, by friendship and love,—who according to the beautiful expression of Wilberforce, 'touched life at so many points,' has he, indeed, passed away?"

In early life Judge Story had a strong taste for a literary career but yielding to necessity he entered upon the study of law. It is related that when struggling to master the dry pages of Coke's Commentaries upon Littleton, the first textbook placed in his hands, he gave way in despair; and covering his face with his hands at the prospect in life that confronted him he shed a copious baptism of tears upon his open book. From this unpromising entrance on the law, he rose to be a judge of the highest court in the country, the leading professor in Harvard Law School and the author of one of the most widely celebrated series of Law-books known to the common law. It was upon these three relations of judge, author and teacher that Sumner dwelt.

He recalled with astonishment the extent of his work, the written judgments he pronounced upon the Circuit and his works as an author, comprising twenty-seven volumes and his opinions pronounced in the Supreme Court, filling a large measure of thirty-four more, administering the law in all its branches, civil and criminal and displaying everywhere a mastery of it. He thought there was much in Judge Story's character as a public official that was appreciated by those who saw his work, but which could not be preserved,—his courtesy, his

quickness of perception and his promptness in the dispatch of business. His mind seemed to grasp at once the controlling questions in a case and thus often to anticipate the slower movements of the attorneys. And when he came to decide he was careful to assign reasons for each position he took, so as to make it clear that it was not the judge, but the *law* that disposed of it.

Sumner recalled the fact that as a legal writer, Lord Campbell had declared in the course of a debate, in the English House of Lords, that Judge Story had a greater reputation "than any author England could boast since the days of Blackstone," and that his works had been reviewed with praise in all of the countries of Great Britain, as well as in France and Germany. As a teacher he instanced his exquisite faculty of interesting the young and winning their affections, that he had often seen him surrounded by a group of them, all intent upon his earnest conversation and freely interrogating him on matters of interest; in the lecture-room he was overflowing with learning and unrelaxing in effort, yet patient and gentle. He had grown to be a living example of love for the law, which seemed to grow warmer with his accumulating years. As evidence of his success he mentioned the fact that larger classes of law students were gathered to his classes in Harvard than to any other similar school in England or America.

Sumner recalled by way of comparison to him some of the great lawyers he had known in Europe, Dupin and Pardessus of France; Thibaut, "with flowing silvery locks, who was so dear to Germany"; and Savigny, "so stately in person and peculiar in countenance whom all the continent of Europe delights to honor"; but, he added, "my heart and my judgment, untrammelled, fondly turn with new love and admiration to my Cambridge teacher and friend. Jurisprudence has many arrows in her quiver, but where is one to compare with that which is now spent in the earth?"

The influence of Judge Story upon Sumner's character can hardly be over-estimated. It was of incalculable benefit, for him, to have daily in example and in intimate association a man of Judge Story's pure life and large attainments and wonderful industry; with the aid of his advice and direction. Take as an instance of this training the beautiful truth he inculcated, referred to by Sumner as a reminiscence of his college days, that "No man stands in the way of another," that the world is so broad and its opportunities so numerous, that no one's success need interfere with any one else's. How much of an antidote to bickering and jealousy there is in it! It may not have

been altogether to the earnestness with which Judge Story enforced this lesson upon his group of youthful hearers, that Sumner owed it, but it is certain that one of the strongest and most lovable traits of his character was his loyalty to his friends and the earnestness with which he seconded all their efforts for advancement, without jealousy and without envy, and with never a thought disclosed that he might himself be crowded out. This is a single illustration of what this association brought to Sumner. What the rest was we can imagine.

## CHAPTER XIV

JUDGE STORY'S PROFESSORSHIP NOT SOUGHT—FIRST SPEECH AGAINST SLAVERY—AS A LYCEUM LECTURER—ARTICLE ON PICKERING—PHI BETA KAPPA ORATION—PLACE AS AN ORATOR.

THE place, which Sumner had aspired to for many years, Judge Story's professorship in the Law School, was now vacant. Sumner's desire for it had been more than a passing wish. It had been a guiding motive and a stimulant in his studies and a cherished ambition of his life to fill this place worthily and from it with voice and pen exert a wide influence in teaching and systematizing the law. In this ambition he had been encouraged by Judge Story and also by Professor Greenleaf. But how we all change! The long wished for place remained vacant a year and yet Sumner did not apply for it. He frankly admitted that if it were offered him, the chances were that he would decline it. For several years he had been growing away from it. He had become interested in public affairs and in literature; and those things were giving a new direction to his life. He now wished for greater independence than he could have in the service of conservative Harvard; he was ambitious for a wider fame than was there in prospect.

On the evening of November 4, 1845, he attended a meeting in Faneuil Hall, called to devise means to resist the admission of Texas as a slave state. Sumner prepared the resolutions that were adopted, the first political resolutions he ever prepared; and he supported them by a speech, the first political speech he ever delivered. Texas was asking admission to the Union with a constitution, prohibiting her Legislature from passing any law to emancipate the slaves or to abolish her slave trade with other states. The resolutions prepared by Sumner condemned the annexation as an extension of slavery involving the free, as well as the slave states, in the two greatest national crimes, Slavery and War. Copies of the resolutions were sent to every Senator and Representative in Congress. They called upon them to resist the consummation of the movement to the utmost at every stage. The President of the meeting, Charles Francis Adams, made a speech on taking the chair and he was followed by John G. Palfrey, Sumner, Wendell Phillips, Henry

B. Stanton, Hillard, William H. Channing and William Lloyd Garrison.

In this, his first public utterance upon the question of slavery, Sumner's opposition to it is pronounced. He declared that the horrors of the "middle passage" when Africans stolen and carried by sea far from their homes, pressed on shipboard, into spaces of smaller dimensions for each, than a coffin, were believed to be of less deadly consequence than those attending the wretched coffles driven from the exhausted Northern Slave States to the sugar plantations farther South; one quarter part were said often to perish in those removals; and yet it was an extension of the coffle system that was proposed in the scheme for the admission of Texas. He insisted that this should be considered well, the inauguration of a new slave trade, secured by constitutional guaranties. He was determined that it should not take place with his consent; but on the contrary should meet his vigorous opposition. If such an extension of the slave trade was to take place Massachusetts should wash her hands of all participation in the guilt of it.

He warned her Representatives that they must not yield to dalliance with slavery. The seductive influence of the pro-slavery atmosphere of Washington, which had for many years been diffused by the statesmen of the South, was well known in Boston. This was to be resisted and only men who could withstand its fatal influence should be sent there.

The depth of Sumner's feeling upon the question of slavery is shown by an incident which occurred about this time. He had been invited to lecture before the New Bedford Lyceum and had accepted, but before the date fixed for his lecture, he learned that colored persons were excluded from the privileges of the course. He at once wrote a letter to the committee declining the appointment. It seemed to him, to found such a discrimination on difference of complexion, was contrary to the divine injunction, "Do unto others as you would have them do unto you." He closed his letter to the committee with these words: "In lecturing before a Lyceum which has introduced the prejudice of color among its laws, and thus formally reversed an injunction of highest morals and politics, I might seem to sanction what is most alien to my soul and join in disobedience to the command which teaches that the children of earth are all of one blood. I cannot do this." Shortly after, the obnoxious rule was rescinded, and Sumner then delivered his lecture.

The lecture lyceum played an important part in Sumner's career. It was a means of entertainment quite common in Massachusetts. A society would be organized in a community and

a committee would be thus appointed to secure a course of lectures for a winter season. The lecturers were paid, the money to defray the expense being raised by charging an admission. The fame of Sumner's oration on The True Grandeur of Nations, distributed by the friends of peace to the newspapers and noticed and portions of it published by many of them, had carried his name abroad and created a general desire to see and hear him. To the work of preparation for these lectures, both in matter and delivery, he brought his usual thoroughness, carefully writing and re-writing and amending them and practising their delivery, before they were presented to the audience. His earnest and easy style of speaking and his attractive personal appearance, as well as the freshness of the matter and interest of the subjects chosen for his lectures, made him a popular lecturer.

During the four years, from 1846 to 1850, he filled many appointments of this kind, speaking in almost every part of the State. The lyceums were frequently connected with churches and had a membership composed of educated Christian people, with a bent for moral and intellectual reforms, but not bound together by any political tie. These audiences were peculiarly susceptible to such reforms, as the abolition of slavery and war, in which he was interested. His lectures gave him a large acquaintance over the State, with this class of people and was the origin of that strong hold which he acquired and retained over them as long as he lived.

His subjects were "The Employment of Time" and "White Slavery in the Barbary States"; the former lecture was delivered for the first time before the Boston Lyceum in February, 1846, and the latter before the Boston Mercantile Library Association, a year later; both were delivered many times afterward and were never entirely laid aside until his election to the Senate. For this event, they aided materially in paving the way.

The former lecture was an earnest effort to teach the young the value of time and the importance of a just distribution of it between labor, self-improvement and rest. He draws the lessons of it largely from the lives of Franklin, Gibbon, Cobbett and Scott, holding them up in succession as examples of what can be accomplished by men, in moderate circumstances, or even in poverty, by the judicious and industrious husbandry of time.

"Time," he said, "is the measure of life on earth. . . . Its divisions, its days, its hours, its minutes, are fractions of this heavenly gift. Every moment that flies over our heads takes

from the future and gives to the irrevocable past, shortening by so much the measure of our days, abridging by so much the means of usefulness committed to our hands. . . . Waste or sacrifice of time is, then, waste or sacrifice of life itself; it is partial suicide."

He computed that the loss of one single hour each day for a year amounts at its end to thirty-six working days, allowing ten hours to the day,—sufficient when applied to the study of a new language or an unexplored field of history to make an important acquisition in the accumulation of knowledge. He instanced a French jurist who had composed a learned and important work "in the quarter hours that draggled between dinner ordered and dinner served".

He gave curious examples of the division of their time made by numerous men, well-known to fame: Lord Coke, six hours for sleep, six to the study of law, four to prayer, the rest to Nature; Sir William Jones, six to law, seven to slumber, ten to the world and all to Heaven. He instanced Napoleon and Alexander Von Humboldt as only allowing four hours, out of the twenty-four, to sleep; while Judge Story, given as a high example of what may be wrought by wakeful diligence, who had accomplished more than any one within the circle of his individual observation, retired always at ten o'clock, to rise at seven, allowing nine hours for sleep. It would have been interesting for us to have had Sumner's judgment upon the whole matter, but this he discreetly withheld, contenting himself by saying that different constitutions require different amounts of sleep, even the same individual in youth and old age requiring more than when in middle life.

An occasional passage of this lecture gives us an insight into Sumner's own habits and opinions. In speaking of the time when literary men have done their best work he says it may be doubted if the student can be weaned from those habits which lead him to continue his work far into the night, so that from time immemorial he has been said to "consume the midnight oil" and his productions marked by peculiar care to "smell of the lamp." And he adds: "They who confess themselves among the slaves of the lamp say that there is an excitement in study, increasing as the work proceeds, which flames forth with new brightness at the close of the day and in the stillness of those hours when the world is wrapped in sleep and the student is the sole watcher." Sumner's habit of working late in the night had already been formed and it continued with him through life.

In another passage he warns his hearers against the tendency

to absorption in one pursuit. The mere man of business, he insists, is "a man of one idea", which has its root in no generous or humane desires, but in selfishness. He lives for himself alone, and though he may send his freight to the farthest quarters of earth, his real horizon is restricted to the narrow circle of his own personal interests. He would not, he added, weaken the just attachment to the business of one's choice, but he recalled the advice of Goethe to every one, to read daily a short poem and, in this spirit, he would refine and elevate business by enlarging the intelligence, widening the observation and awakening new sympathies. He points his argument with the examples of Ben Jonson, working as a bricklayer, with a trowel in his hand and a book in his pocket, of Burns, "wooing his muse as he followed his plough on the mountain-side" and of Franklin beginning those studies which made him immortal while a toiling printer's boy, straitened by small means.

Summer's lecture upon White Slavery in the Barbary States was first delivered before the Boston Mercantile Library Association on February 17, 1847, and was afterwards given before many other lyceums of the State. It was a carefully prepared monogram on the origin, history and character of slavery as it existed in the States of Northern Africa. In the sensitive state of the public mind upon the question of slavery in the United States, it would have been suicidal for a lyceum lecturer to attempt to discuss this subject before an audience. He would have encountered the prejudice of a large class of his patrons. Sumner sought to evade this and yet teach an instructive lesson upon a subject in which he had become interested, by laying the scene of his lecture in Africa instead of America. He was better enabled to bring the enormities of slavery home to his audience by this example, because the people of the Barbary States were black, while their slaves were white people who had been the unhappy victims of piratical excursions. The prey of Barbary seamen was often vessels upon voyages to and from America; and our own countrymen were thus frequently enslaved.

The United States government repeatedly paid large sums for the ransom of its citizens. But the pirates continued to increase and finally became so much of an annoyance to our commerce that war was declared and in a short naval campaign, distinguished by the victories of Decatur and Bainbridge, a treaty was extorted from the Dey of Algiers, stipulating that henceforth no Americans should be made slaves. But the distinction of abolishing slavery there, was reserved for an English Admiral, Lord Exmouth.

In 1846, John Pickering, one of Sumner's friends, died. His father was the Secretary of State in the Cabinet of President Washington at the time of the son's graduation from Harvard, in 1796. The next year the son, through his father's influence was made Secretary of Legation to Portugal, where he remained two years, and then for two more he was private secretary to Mr. King, our Minister to England, with his residence in London. Upon his return to Massachusetts he read law with Hon. Samuel Putnam, at Salem, afterwards a judge of the Supreme Court of the State, who was also the legal preceptor of Judge Story. Pickering was three times a Representative and as often a Senator in the Legislature of Massachusetts, and was for sixteen years the City Solicitor of Boston, besides filling the vacancy, on the commission to revise the statutes, caused by the death of Professor Putnam. He was a frequent contributor to the *American Jurist* and the *Law Reporter*.

But this was only one side of the life of this laborious man. Along with his legal pursuits, by a careful husbandry of his time, he pursued the study of philology and became the master of nine different languages, five of which he spoke. He studied the Indian languages of North America and devised an alphabet for them. But his best known work was his Greek-English Lexicon, still the standard in use in American colleges. He was elected Professor of Hebrew and other Oriental languages and later to the chair of Greek Literature in Harvard. But he declined both. His name was twice proposed in the public prints for President of the University. But he continued to the last, a modest, hard-working lawyer.

Although he was many years Sumner's senior, kindred tastes as well as the common experiences of foreign travel had made them friends. Upon Pickering's death, Sumner commemorated him in a carefully prepared article, published in the *Law Reporter* of June, 1846. It is one of the best sketches of its kind he ever produced. He enforced again by the example of Pickering, the two thoughts he had kept uppermost in his lecture on the Employment of Time, the importance of the careful husbandry of the passing moments of life and the necessity of avoiding the absolute absorption of one's self in the single business of his choice. Sumner showed that Pickering was a painstaking, laborious attorney, absorbed in the business of his office, during the working hours of the day, and arose to a high rank at the bar; but he emphasized how much he was able to accomplish for humanity and his own fame by the occupation of his hours of leisure in useful studies.

Sumner commemorated Pickering on another occasion.

When he was invited to deliver the address on the anniversary of the Phi Beta Kappa Society of Harvard University in August, 1846, he made it the occasion of his oration on *The Scholar, the Jurist, the Artist, and the Philanthropist*, commemorating under these heads his former friends, Pickering, Story, Washington Allston and William Ellery Channing. They had all been members of the Phi Beta Kappa Fraternity and graduates of Harvard. It was customary to issue a catalogue of the Fraternity every four years, marking with a star the names of those members who had died. These names were all so starred in the catalogue of the year.

The audience before which the oration was delivered was a brilliant one. The First Church of Cambridge was filled with the culture and beauty of the old university town and its friends. Edward Everett, the graceful and impressive orator, then just returned from his mission to the Court of St. James, was present to assume his duties as President of Harvard, and the retiring President, Josiah Quincy, was there, now laying aside the robes of office, after years of distinguished service in the National House of Representatives, in the Mayoralty of Boston and at the head of his *Alma Mater*. The venerable John Quincy Adams was there to grace by his presence, for the last time, this anniversary of his college fraternity, and William Kent, the newly elected successor to Judge Story in the Law School, the Governor of Virginia, Congressmen, poets and historians. And those nearer to Sumner were there, Longfellow, Prescott, Howe and his accomplished wife, who, "for the first quarter of an hour did not dare to look at him, dreading mistake or failure and who was then completely surprised and carried away, who had no idea he could do anything like it." Perhaps a sight of her and a touch of his old admiration reached Sumner. There too was his mother and sister to witness his triumph.

He was dressed with his usual care. He had been too much under the influence of Daniel Webster not to appreciate the value of this. And his handsome figure never appeared to better advantage. He spoke for two hours, easily and forcibly, without the aid of notes or manuscript, apparently all thought of himself lost in his interest in his theme. Once he turned to address the President of the University and seemed to forget his audience and for some minutes with his back to them continued speaking to him alone. But his delivery was so effective that fifty years afterwards persons still living could recall distinctly certain passages and the peculiar emphasis he gave them. It is considered by some his greatest oratorical triumph. The production excels any of his others in style and finish, and

the subject being of permanent interest it will probably continue to be one of the most popular of his orations. In the edition of his works he prefaced it with this sentiment from Schiller; "Give the world beneath your influence a direction towards the good, and the tranquil rhythm of time will bring its development."

As the title of his oration was *The Scholar*, the *Jurist*, the *Artist*, the *Philanthropist*, so his theme was *Knowledge*, *Justice*, *Beauty*, *Love*, "the comprehensive attributes of God," as he declared; and he used the lives of his four friends as threads on which to string a discussion of these subjects. His aim was not so much to commemorate the men as to advance the objects they had so successfully served. Speaking of Pickering, he paid this tribute to the uses and the graces of scholarship:

"He knew that scholarship of all kinds would gild the life of its possessor, enlarge the resources of the bar, enrich the voice of the pulpit, and strengthen the learning of medicine. He knew that it would afford a soothing companionship in hours of relaxation from labor, in periods of sadness, and in the evening of life; that when once embraced, it was more constant than friendship,—attending its votary, as an invisible spirit, in the toils of the day, the watches of the night, the changes of travel and the alternations of fortune or health."

In speaking of Story's love for literature and the fact that he would frequently turn aside from the sterner studies of the law to cultivate the love of poetry and polite letters, he likened him, in this, to Seldon, Somers, Mansfield and Blackstone in England, and L'Hopital and D'Aguesseau in France, and he ventured the assertion that it would not be easy to mention a single person winning the highest place in the profession of the law, who was not a scholar also.

In this address he fixed for us his definition of the term, *Jurist*. It is interesting to us because we know that during many of the years of his early manhood it was Sumner's ambition to be one. He described him as a "student and expounder of jurisprudence as a science,—not merely lawyer or judge, pursuing it as an art"—who examines every principle in the light of science, and, while doing justice, seeks to widen and confirm the means of justice hereafter by reducing his profession to an exact science,—such men as Grotius, Pothier, Coke and Kent, expounders of the law and therefore higher than lawyers and not to be confounded with such men as Dunning, and Pinkney, mere practitioners, though the one be the acknowledged leader of Westminster Hall and the other of the American Bar.

In his treatment of the part of his subject devoted to Washington Allston, the artist, Sumner's love of the beautiful in life and in art becomes easily apparent. It is not often in a young man that this trait comes out in such marked degree. And it shows how unerringly Sumner's attention had already been fixed on the pure and the good and how earnestly he looked forward to the enlargement of their influence.

"Allston," he said, "was a good man, with a soul refined by purity, exalted by religion, softened by love. In manner he was simple, yet courtly,—quiet, though anxious to please,—kindly to all alike, the poor and the lowly not less than the rich and great. As he spoke in that voice of gentlest utterance, all were charmed to listen; and the airy-footed hours often tripped on far toward the gates of morning, before his friends could break from his spell. His character is transfigured in his works . . . Allston was a Christian artist; and the beauty of expression lends uncommon charm to his colors. All that he did shows purity, sensibility, refinement, delicacy, feeling rather than force. His genius was almost feminine. As he advanced in years, this was more remarked. His pictures became more and more instinct with those sentiments which form the true glory of Art. . . . He looked down on the common strife for worldly consideration. With impressive beauty of truth and expression he said, 'Fame is the eternal shadow of excellence, from which it can never be separated.' Here is a volume, prompting to noble thoughts and action, not for the sake of glory, but for advance in knowledge, virtue, excellence."

It was, however, in Channing that Sumner found the master spirit that had exerted most influence in shaping his own thoughts of reform. We have already seen in his oration on *The True Grandeur of Nations* how firmly he had set his face against *war* and *slavery*. This was largely an inheritance from Channing, who though a minister, serving a Boston congregation, had given much time to these subjects and seems to have had a peculiar attraction for young men. In the mention of him, which Sumner reserved to the last in his oration, although his death had been the first of the four, an opportunity was presented for a renewed discussion of the inhumanity of war and slavery. Sumner did not let it go unheeded.

In recalling with what earnestness Channing had discussed them and with what success, Sumner was led to speak of the style of his oratory. What he said has already been quoted in these pages as showing the models upon which he formed his own ideal of an orator.

In the contemplation of such exemplars well might Sumner

exclaim in closing his oration: "In their presence, how truly do we feel the insignificance of office and wealth, which men so hotly pursue! What is office? and what is wealth? Expressions and representatives of what is present and fleeting only, investing the possessor with a brief and local regard. Let this not be exaggerated; it must not be confounded with the serene fame which is the reflection of generous labors in great causes. The street lights within the circle of their nightly glimmer, seem to outshine the distant stars, observed of men in all lands and times, but gas-lamps are not to be mistaken for celestial luminaries. They who live for wealth, and the things of this world, follow shadows, neglecting realities eternal on earth and in heaven. After the perturbations of life, all its accumulated possessions must be resigned, except those only which have been devoted to God and mankind. What we do for *ourselves* perishes with this mortal dust; what we do for *others* lives coeval with the benefaction. Worms may destroy the body, but they cannot consume such a fame."

The success of the oration was instantaneous. At the dinner of the Society held after the exercises in the church, John Quincy Adams offered the toast: "The memory of the Scholar, the Jurist, the Artist, the Philanthropist; and not the memory, the long life of the kindred spirit who has this day embalmed them all." And in a letter dated two days later, after congratulating Sumner on his oration, he wrote: "Casting my eyes backward no farther than the 4th of July of last year, when you set all the vipers of Alecto a-hissing by proclaiming the Christian law of universal peace and love, and then casting them forward, perhaps not much farther, but beyond my own allotted time, I see you have a mission to perform. I look from Pisgah to the Promised Land; you must enter upon it." The old anti-slavery warrior doubtless realized that in Sumner the cause had found a new champion, but he could hardly have realized the weight of the blows this new champion was destined to deal his ancient enemy on the floor of Congress.

Edward Everett wrote Sumner: "Should you never do anything else, you have done enough for fame; but you are, as far as these public efforts are concerned, at the commencement of a career destined, I trust, to last for long years, of ever increasing usefulness and honor." Chancellor Kent, to whom one of the pamphlet copies of the oration was sent, pronounced it one of the most splendid productions, in point of diction and eloquence, he had ever read. This was high praise, from high authority. It was appreciated by Sumner. He valued the friendship of these men. His transparent nature made him

ever ready to accord just praise to others and to value theirs of himself as a frank acknowledgment of his merit.

Sumner's place in Boston as a public orator was now established. His work as a lyceum lecturer had satisfied his audiences. His oration on *The True Grandeur of Nations* had awakened an unusual interest in him and attracted general public attention, but there was still a doubt whether it was not a fortunate effort upon a favorite subject that furnished no just estimate of the man. Even taken at its best, this oration lacked the smoothness and finish of the "*The Scholar, the Jurist, the Artist, and the Philanthropist.*" The standard, at Cambridge, where the influence of the college was felt, was high and the audiences critical in their estimates of new men, but Sumner had fairly satisfied them. However much in the future they doubted the soundness of his views on slavery and the rights of the colored race they did not afterwards question his ability as an orator. He now took his position among them as an acceptable speaker, much sought for on public occasions and a child of their own, in whom they felt a just pride.

This distinction he laboriously earned. At this time of his life he wrote out his orations in full before delivery and after carefully criticising them himself and receiving suggestions from friends, he memorized them. He was careful of details in delivery that would contribute to the effect of an address. In the absence of Longfellow and his wife, from Cambridge, we find him taking advantage of the retirement of their house, to memorize and practise the delivery of some of them. He could there speak aloud without being heard. He followed this manner of preparing an address for many years,—even after he became a Senator and after his fame was established in Washington.

He was equally careful in the revision of his orations for publication. Felton made a playful reference to it, when Sumner was revising his *True Grandeur of Nations* for the press. Owing to the convenience of Felton's house to the Harvard College library, where he wished to obtain works of reference, Sumner used a room there as a convenient place to work. Felton wrote to Longfellow: "You have no idea, what an arsenal of peace my house has become; Lives of William Penn, sermons on war, tracts of the American Peace Society, journals, anti-everything, Scriptural arguments, estimates of the cost of navies and armies, besides a great many smaller arms, the pistols, hand grenades, cutlasses and so forth of the Peace Establishment, are arranged in every part of the house, upstairs, downstairs, in the attics and in the cellars."

Sumner's diligence in revision did not always impress people so good-naturedly as it had Felton. In publishing the edition of his orations and addresses in 1850, he made so many changes, even upon the third proof, that his printers remonstrated vigorously and told him they could not bear the extra expense and that he must thereafter finish his revision before handing his manuscript to the printer. But the reproof did not cure the habit. For in the final revision of his works, which he was making at the time of his death, he was as exacting as ever and still making numerous changes. A comparison of almost any oration in this with the same one in the earlier editions will illustrate my meaning. The changes, I think, in some instances did not add to the value of the works. They sometimes detracted from their freshness and made them appear unnatural and labored to those at least who had known them in their earlier form. But the great idealist was still to the last reaching out after excellence that he felt as constantly eluding his grasp.

## CHAPTER XV

ORIGIN OF SUMNER'S INTEREST IN THE CAUSE OF UNIVERSAL PEACE—INTERESTED IN THE SUBJECT OF PRISON DISCIPLINE—THE BOSTON PRISON DISCIPLINE SOCIETY—EQUAL RIGHTS OF COLORED CHILDREN IN THE PUBLIC SCHOOLS—DIVERSIONS

IN 1848, a friend suggested to Sumner that his interest in his favorite reforms had been imputed by some to a desire for public notice. Sumner felt hurt at this imputation. He replied at some length explaining the real origin of his interest. The explanation is interesting as a matter of personal history.

His attention had been attracted to the question of universal peace by an oration of President Quincy delivered in old South Church, Boston, when he was scarcely nine years of age. It was at a meeting of the American Peace Society. The lecture made a deep impression upon the youthful mind of Sumner by showing the appalling waste of life and property war involved. While in the reading of after years he was attracted by the glamour of military glory, the good seed sowed by this lecture seemed never to have been choked out. Shortly after he left college, this early impression was deepened by a lecture of William Ladd, in the old Cambridge Court House. As this conviction grew upon Sumner and the notes of years of reading accumulated in support of it, he did not hesitate to express in conversation his abhorrence of war. As an illustration, while in Paris, he was asked by M. Victor Foucher, to read a part of the manuscript of his treatise upon the law of nations. Upon returning it with his criticisms, Sumner called his attention to the portion of his work that placed war among the recognized arbitraments for the determination of questions between nations. While admitting the truth of this position, Sumner urged him to combat it as barbarous and unchristian.

Within a month after his return from Europe, Sumner was attracted by a notice in a newspaper of a meeting of the American Peace Society and attended. It was held in a small room under Marlboro Chapel, with scarcely a dozen persons present. Sumner was placed upon its Executive Committee and thereafter became one of its active members. But his part for peace consisted in attendance upon its meetings and work upon its

committees, until 1845, when being pressed to deliver the Municipal Oration, he unburdened his mind of the accumulation of years of study and thought upon this subject.

It could hardly be expected that he would escape criticism altogether, after this bold assault upon such a time-honored institution as war, with its well paid armies of apologists. He was frequently called upon to defend his positions. But he did it as fearlessly as he had announced them. His public orations that followed, as the one on "*The Scholar, the Jurist, the Artist, and the Philanthropist,*" and another, on "*Fame and Glory,*" showed that his conclusions were not hastily formed and that he would take no step backward. They both reiterated the conclusions expressed in his Municipal Oration. In 1849, he was invited to address the American Peace Society at its annual meeting and he delivered an elaborate oration. His purpose was to show that as all human trials of right, between individuals, by mere physical prowess, had been abolished so war ought also to be abolished, in the settlement of disputes between nations. The address was replete with learning and abounded in historical quotations to sustain his position; but it lacked the eloquence and the exuberant diction of the others.

In the fall of 1849, Sumner was appointed chairman of a committee to secure a proper representation of the United States at a Peace Congress to be held in 1850 at Frankfort-on-the-Main. He prepared the address of the committee to the people of the United States, urging upon them systematic work in the appointment of delegates and in securing some congressional action upon the subject. The address was also signed by the secretaries Elihu Burritt and Amasa Walker, Sumner was chosen a delegate to the Congress but felt constrained by lack of means to decline the place. Public interest in the subject was, however, beginning to wane. In the United States it was soon completely overshadowed by the slavery question and in Europe there was a reaction against it.

With this address, Sumner's public work in the cause of universal peace may be said to have ended. His election to the Senate and absorption in the slavery question, with the other duties of his office withdrew him entirely from this work. But his convictions remained unchanged and he never hesitated to express them upon proper occasions. One of the provisions of his will set apart a fund for an annual prize to be given the student of Harvard College for the best dissertation on universal peace and the methods by which war may be permanently superseded. And he added in his will, after this provision, these words: "I do this in the hope of drawing the attention of

students to the practicability of organizing peace among nations, which I sincerely believe may be done. I cannot doubt that the same modes of decision, which now prevail between individuals, between towns and between smaller communities may be extended to nations."

But it seems strange that any one would consider the cause of universal peace at the time Sumner was engaged in it a fruitful field for gathering fame. The little meeting under Marlboro Chapel of a few enthusiastic friends of humanity almost objects of merriment to a more numerous, though perhaps a less thoughtful public, was hardly a company into which an ambitious young man, bent on fame, would find his way. The whole story of Sumner's connection with the peace question shows how utterly without foundation such an imputation was. Those who knew Sumner, his sincerity and disinterestedness, with his crowning wish to be useful, in permanently improving the condition of his fellow-men, knew how unjust it was.

Sumner scouted the thought that it was done for any purpose of popularity. "I have little sympathy with office-seekers,—I might add with self-seekers, in any way," he wrote. "My own fixed purpose has always been to lead a life without office. This has been a cherished idea. I would teach, if I might so aspire, by example, that a useful and respectable career may be spent without dependence upon popular favor and without the possession of what you have called 'power.'" And then, as if reminded that it was his own motives, that were assailed, he continued: "In the expression of my opinions I have hoped to show a proper regard for those from whom I differ. Well aware that where freedom of thought exists, difference must ensue, I have always desired that these should be tempered by mutual kindness and forbearance so that we might all at least 'agree to disagree.' In this spirit while leaving others to determine their course towards me, I have endeavored, on my part to allow no debates of opinion to interfere with any pleasant personal relations; and though sometimes condemning or criticising the public conduct of men, I trust that I have never failed to do homage to their unquestioned virtues."

Sumner's interest in the subject of prison discipline, a subject considerably more discussed then than now, was not altogether of his choosing. His friend Howe had urged it upon him. Howe had made a study of the subject, which was being agitated by Prison Discipline Societies in nearly all the large cities of the United States and Europe, and he was a convert to what is known as the Pennsylvania system, which enforced the entire separation of the prisoners from one another, as

contradistinguished from the Auburn system which required them to labor together during the day, only separating them at night. The Boston Prison Discipline Society was holding its annual meeting, during the last week of May. Its President was Dr. Francis Wayland, its Secretary Rev. Louis Dwight and its Treasurer, Samuel A. Eliot. Dr. Wayland was an excellent man, but being absorbed in his duties as President of Brown University, gave little attention to the society. Mr. Eliot was a merchant, the Treasurer of Harvard College, but knew little of the subject of prison discipline, had no training as a public speaker, and little taste for controversy. But he was thoroughly loyal to Dwight, the only paid officer of the society, a man of limited ability and rather slow of comprehension, narrow and opinionated, who had been educated for the ministry, but devoted his time to this work, kept the office, solicited contributions to it and prepared its annual reports. In fact Dwight was the Society. He was a firm believer in the Auburn system. In his annual reports, he had pretty uniformly aired his views, treating the Pennsylvania system and its separation of the prisoners, in the main, rather unfairly.

Howe had noticed this and called Sumner's attention to it. By an arrangement he and Sumner attended the annual meeting of the society held in 1845 in Park Street Church and determined that, if the Secretary pursued his usual course, they would publicly remonstrate. The customary report of the Secretary was read, with its customary strictures on the Pennsylvania system, and according to previous arrangement, the motion had been made to adopt it, when Sumner, seated two or three pews to the left of the platform mounted the rail of his pew, passed quickly over the backs of the intervening ones till he stood in front of the President, with a bundle of papers in his hand. Hardly addressing the President, who did not seem to know who he was, Sumner proceeded without ceremony to tear the views of the Secretary to pieces. For full half an hour, to the annoyance of the Secretary and the surprise of the audience at this unexpected breach in the customary routine of the programme, Sumner poured forth an accumulation of facts and figures to disprove the Secretary's position, and show his want of fairness. The Secretary, in his dull, inconclusive way, undertook to reply, but the audience was with Sumner and compelled a reference of the report to a committee to revise and modify it, with power to visit Philadelphia, in the name of the Society and ascertain on the spot the true character of the system Dwight had condemned.

Howe, Sumner, Eliot, Horace Mann, Walter Channing,

Dwight, George T. Bigelow and J. W. Edmonds were appointed as the committee. Howe, Sumner, Eliot and Dwight visited Philadelphia and examined the prison on three successive days. Dwight was sullen and silent, taking little interest in what he saw, while Sumner was alert, prying into everything, bent on knowing about the prison and its workings and the results. He plied the directors with questions and finally took Dwight to task before them for having misrepresented some of the facts. Howe prepared the report of the committee and he and Sumner sought to have it embodied in the report of the Society for the following year; but Dwight was strong enough to prevent this.

The following January, Sumner published an article in the *Christian Examiner*, setting forth the merits of the separate system. Boston was about to build a new jail and he was anxious that she should show the same superiority in her prisons that she did in her schools and colleges. And he was especially anxious to correct the erroneous impressions, about the Pennsylvania system, created by Dwight's reports. Another anniversary of the Prison Discipline Society was approaching and he and Howe were determined to down Dwight. The article opens with a tribute to Miss Dix, who was devoting her life unselfishly to the visitation of the charitable and penal institutions of the Northern and Middle States, and it did not close without a notice of Dwight who, he insisted, had never failed to present all the evils of the separate system, particularly as administered in Philadelphia, sometimes even drawing on his imagination for facts, while he carefully withheld the testimony in its favor.

At the anniversary of the Society in May, 1846, Sumner, disappointed at not getting a hearing through a report, again presented the subject to the meeting and supported it at length, with a vigorous speech, closing with a motion for the appointment of a committee to examine the reports and the course of the Society and see if something could not be done to extend its usefulness. Sumner was appointed on the committee which was to make its report at the next anniversary of the Society. Meantime the controversy was attracting public attention. Sumner's speech was printed in the papers and commented on. It was reprinted in Liverpool, in a pamphlet; and from England, France and Germany came letters attesting interest in the controversy. De Tocqueville, the author of *Democracy in America*, who had been interested in the subject and for that reason had visited many of our prisons using both systems, wrote Sumner that he was "surprised and pained" at

the course of the Society. At home it called forth an able pamphlet on the subject by Francis C. Gray.

Meantime the anniversary of 1847 came. Sumner for himself and Hillard and Dr. Wayland presented a report of the committee. It closed with a series of resolutions which declared that the Society was not the pledged advocate of any system and that its reports should impartially set forth the merits of all, deprecating anything in the former reports that may have pained the directors of the Eastern Pennsylvania Penitentiary and asking the management of the Society to organize a new system that should enlist the co-operation of its individual members. The adoption of the resolutions was opposed and the consideration of them was adjourned from May 25th to the evening of May 28th, when Sumner made a speech supporting them. The discussion thus opened was followed up by adjournments to June second, fourth, ninth, eleventh, sixteenth, eighteenth and twenty-third. Attracted by the contest, the meetings held in Tremont Temple, were largely attended, sometimes as many as two thousand people being present, and the audiences partook largely of the feeling of the speakers. They were supported, besides Sumner, by Howe, Hillard, Rev. Francis Parkman and Henry H. Fuller, they were opposed by Eliot, Dwight, Gray, Bradford Sumner, Rev. George Allen, Dr. Walter Channing and J. F. Stephenson. On the evening of June 18th Sumner spoke again. It was the intention that, as Chairman of the committee reporting the resolutions, he should, with this speech, review and close the debate. But it had acquired too great momentum to be so suddenly and so decorously stopped. This speech shows something of the acrimony of the debate.

Commencing, Sumner said: "Mr. President, I approach this discussion with regret, feeling that I must say something which I would gladly leave unsaid. I shall not, however, decline the duty which is cast upon me. In its performance I hope to be pardoned, if I speak frankly and freely; I trust it will be gently and kindly. I will borrow from the honorable Treasurer, with his permission, something of his frankness, without his temper. As I propose to adduce facts, I shall be grateful to any gentleman who will correct me where I seem to be wrong. For such a purpose I will cheerfully yield the floor, even to the Treasurer, though his sense of justice did not suffer him, while on the floor, to give me an opportunity of correcting a misstatement he made of what I said on a former occasion."

Referring to the fact that Nathaniel Willis, a near relative of the Secretary, had moved a resolution that it was not ex-

pedient to discuss this subject at the anniversary meeting, he said: "It was at the anniversary meeting, however, that I was determined to discuss the subject, being assured that in the presence of a wakeful public, the will of one or two individuals could not control the course of the Society. Accordingly I took the floor and proceeded to speak, when I was strangely encountered by the Secretary, who ejaculated: 'Mr. President, the annual meeting was interrupted in this manner last year; there are gentlemen present who are invited by the committee of arrangements to address us.' On this remarkable fragment of a speech I made no comment at the time. I shall make none now, but I cannot forbear quoting the words of the able editor of the Law Reporter with regard to it. 'It would seem,' he says, 'that the addresses at the public meetings of this Society are all cut and dried beforehand, made to order,—a fact that might as well have been kept back, under the circumstances, for the credit of all concerned.' Notwithstanding this interference, I proceeded to expose the prejudiced and partisan course of the Society and its consequent loss of credit, concluding with a motion for a committee to consider its past conduct and the best means of extending its usefulness. The motion though opposed at the time, was adopted. It is the report of that committee which is now before you."

"This report, when offered to the Society, was first opposed on grounds of *form*. It is now opposed on other grounds, hardly more pertinent, though not of form only. Thus at every step have honest efforts to elevate the character of the Society, and to extend its usefulness, been encountered by opposition. Under the auspices of the Treasurer and Secretary, the Society shrinks from examination and inquiry. Like the sensitive leaf, it closes at the touch. Nay, more, it repels all endeavor to wake it to new life. It seems to have adopted, as its guardian motto, that remarkable epitaph which for more than two centuries has preserved from examination and intrusion the sacred remains of the greatest master of our tongue:—

"Good friend, for Jesus' sake forbear  
To dig the dust enclosed here!  
Blest be the man that spares these stones,  
And curst be he that moves my bones!"

In urging the adoption of a resolution, asking that a new system should be adopted by the management of the Society so as to enlist the co-operation of the individual members, Sumner showed his entire want of appreciation of this management of the Society. "Look at our grandiose organization," he said.

" We have a President with forty Vice-Presidents,—or borrowing an illustration from Turkey, 'a pacha with forty tails.' Then we have a large body of foreign correspondents, whose names we print in capitals,—'fancy men' as they have been called, because they are for show, I suppose, like our Vice Presidents. Then there are scores of Directors, and a Board of Managers. Now I know full well, that of these very few interest themselves so much in our Society as to attend its sessions. At the meeting last year for the choice of officers there were *ten* present. We ten chose the whole array of Vice-Presidents and all. And then, too, the Secretary politely furnished us printed tickets bearing their names and his own. Certainly, sir, something should be done to mend this matter. We must cease to have so many officers, or they must participate actively in the duties of the Society."

" Look at our annual income. Notwithstanding the special pleading of the Treasurer, I must insist that this is upwards of \$3,000."

" But what does it accomplish? On looking at its journal for the last three years, it appears that the chief business of the Managers, who have met some three or four times in the year, only has been to vote a salary of seventeen hundred dollars to the Secretary, with fuel and rent for his office sometimes and also to vote a vacation for four months in the country during our pleasant summers."

So the debate ran on. It was about midnight of June 23rd when it closed. Dwight was crushed; but Eliot was as pompous as ever. The audience, more interested in witnessing the contest than in the vote, were beginning to leave, when an unexpected motion to lay the question on the table prevailed; and so the whole matter went over for that year. But the society was discredited. It never held another public meeting. It continued in existence for a few years longer, supported mainly by Dwight's friends, to furnish him a livelihood and when he died, it died with him. The officers recommended its dissolution for the reason that no suitable successor to Dwight could be found.

Amusing as much of this controversy seems, it is important as showing the earliest development of a strong point in Sumner's character. For the first time, he then showed his ability to maintain himself in a sustained and heated controversy. Save his studied addresses he had been enured thus far only to books and friends, and an occasional decorous contest of the court-room. But now for the first time was seen his ability to give as well as take blows, in the free discussions of a deliberative body.

Another good work that Sumner sought to promote about this time, more nearly allied to his efforts against slavery, was his effort to prevent colored children being longer excluded from the white schools in Boston. With Robert Morris, a colored attorney, he brought suit for Sarah C. Roberts, a colored child, against the city, for damages for refusing her the privileges of the white schools. The contest had been going on for some years, in the School Committee, before it found its way into the courts. Attorneys had submitted opinions upon the question to the Committee, the newspapers had discussed it, but the Committee was still divided.

It was urged that, as there were not so many colored as white children, to require their separation was to compel the colored to travel long distances, and often suffer other inconveniences, to reach a school. In this case a little girl only five years old, was compelled, if she attended a colored school, to travel 2,100 feet and pass on the way five white schools; while the nearest white school was only 900 feet from her door. This was a hardship that was not to be disregarded by the parents of a child, so tender in years, during the severe winters of Boston. Another instance was given of a respectable colored man of East Boston, separated from the mainland by water and having no colored schools, where he lived, who was compelled to pay the ferry tolls for his three children, a severe tax upon the small means of a poor man, and then see his children travel a long distance in all kinds of weather, likewise a severe tax upon their strength. And all this was done that children in a country where schools were free, might enjoy the privileges of an education. Besides, it was urged that the separation degraded the colored children and placed them under the ban of a caste, that was alike unjust to them and contrary to the spirit of our institutions.

Sumner in opening his argument, before the Supreme Court of Massachusetts, said "It would be difficult to image any case appealing more strongly to the best judgment of the court, whether you regarded the parties or the subject. On the one side was the city of Boston, strong in wealth, influence, character; on the other a little child of degraded color, of humble parents and still within the period of natural infancy, but strong from her very weakness, and from the irrepressible sympathies of good men, which by a divine compensation come to succor the weak." This little child, he said, asked at the hands of the court her personal rights. So doing she called upon it to decide a question which concerned the personal rights of other colored children—which concerned the Constitution and

laws of the Commonwealth, which concerned the common schools of New England and likewise the Christian character of the community.

Sumner then proceeded to make a careful argument in support of his position. He insisted that the Declaration of Independence holding that all men are created equal was embodied in substance in the bill of rights of the constitution of Massachusetts. He argued that this provision, of necessity secured to all children of the State the same educational advantages, that it was a violation of the fundamental law of the State for the School Committee of Boston to fix just two primary schools in that great city, where colored children might receive instruction, while the city was dotted all over with schools for the education of those of a more fortunate color. He then showed that this declaration of the Constitution had been embodied in the statutes of the State and the decisions of the Courts, that within the language of all there was nowhere any room for the discrimination that was being made. He dwelt upon the evil results to follow the creation of an aristocracy by law. He made his argument more a discussion of the intrinsic merits of the question than is customary in arguments to a court, with a view to its being read by the general public. It was some time afterwards distributed as a tract in other states where an effort was being made to abolish the discrimination against colored children in the schools.

In closing, he reverted to his own experience, when at the Law School in Paris, he had sat for weeks on the same benches with colored pupils listening to the lectures of De Gerando and Rossi and could see no feeling shown towards them except of companionship and respect. And again at the Convent of Palazzolo, on the shores of the Alban Lake in Italy, where "amidst scenes of natural beauty enhanced by historical associations," he had seen a native of Abyssinia mingle familiarly with the Franciscan friars whose scholar he was. "Do I err," he asked, "in saying that the Christian spirit shines in these examples?"

But the court refused the relief sought and sustained the discrimination made by the School Committee. Sumner always regretted that they thus refused the opportunity of establishing a precedent upon the question of schools, as the court had already done upon the subject of slavery. But five years later the Legislature of Massachusetts advanced to the position Sumner had taken, by enacting a law declaring that race, color or religious opinion should make no distinction in the admission of any child to the public schools of the State and making the

School Committee excluding a child, for such reason, from any public school, liable to him for damages. And this has ever since remained the law of Massachusetts. As in other instances Sumner was now only in advance of the public.

For a member of the bar, a profession proverbially conservative, he was singularly free from devotion to anything merely because it was established. But it is probable that we should now class him among reformers instead of among lawyers. Much of his time was given to the reforms he had interested himself in and he was much in the company of their advocates. The law was fast losing its charms. William Kent, Judge Story's successor in the Law School, and others of his friends, remembering how enthusiastic he had been in his legal studies and what an ornament, one, of his literary tastes, had promised to be to the profession, saw the change with regret and kindly remonstrated with him about it. But he knew better than they his reasons for it.

His success in the law had not met his expectations. He did not often appear in court in the trial of cases. And his fees were not large. It is estimated that his yearly earnings, in his profession, did not exceed \$1,000 to \$2,000, a year, not more than sufficient for his personal expenses, though boarding, without charge at the family home. What law business he did was carefully done; but it was mostly work in his office for clients, who sought his advice or assistance in the settlement of estates and in making collections. These things he naturally felt were beneath the deserts of one who had spent such years in toilsome preparation as he had. It was galling to see young men, of much less desert, but of more fortunate connections, distancing him in the race for business.

His experience as a Lyceum Lecturer had been an attractive one and his public addresses had been notably successful. They opened up to him new fields of pleasure and usefulness and were a new spur to his ambition. The delightful friendships, the public recognition, the consciousness of a widened influence and the hope of a larger fame, in this new field, were all uniting to draw him away from the law, a profession whose active practice he had to confess had never been attractive to him.

At his office his friends still dropped in upon him and they rarely found him too busy to spend an hour in discussing the newest book or latest poem. He still spent his evenings at home, reading far into the night,—so late as to draw from Horace Mann, who was solicitous for his health, the remark that he yielded obedience to all God's laws of morality, but thought he was exempt from every obligation to obey his laws of physiology.

## CHAPTER XVI

ADMISSION OF STATE OF TEXAS—MEXICAN WAR—SUMNER'S OPPOSITION TO IT—NOMINATED FOR CONGRESS—DECLINES—DELEGATE TO WHIG CONVENTIONS—SPEECH FOR ACTION AGAINST SLAVERY—WHITTIER'S POEM, “THE PINE TREE”—WINTHROP RE-ELECTED—CANDIDATES OF OLD PARTIES FOR PRESIDENT UNSATISFACTORY—VAN BUREN NOMINATED BY THE ANTI-SLAVERY PEOPLE—SUMNER A CAMPAIGN SPEAKER—AGAIN NOMINATED FOR CONGRESS AND AGAIN DECLINES—CHAIRMAN OF STATE COMMITTEE OF FREE SOIL PARTY

ON the 29th day of December, 1846, the State of Texas was admitted into the Union, with a pro-slavery constitution. This was another victory for slavery. It gave her two more votes in the Senate and six more in the House. The friends of Freedom had resisted, but in vain. Slavery was then dominant everywhere. She had a submissive President and a well-trained representation in both the Senate and the House. By a skilful manipulation of the votes she could furnish, for the tariff and the internal improvements desired by the North, and the advantages in training, by reason of the longer terms of service usually accorded her statesmen, she had a compact and efficient organization for the advancement of her interests. Her representatives in Washington were frequently men of large property, who had been accustomed to spend their summers on their plantations, with the easy life of country gentlemen and their winters in city homes, fond of society and pleasure, and everywhere dispensing an easy hospitality. They frequently brought their slaves to the capital and entertained handsomely and thus ruled the society of Washington. To enjoy their favor was to have social recognition in abundance, but their disfavor often made life in the capital unpleasant. So far, the South had not experienced political adversity. She knew what she wanted and how to get it.

The consciousness of this power naturally made Southern statesmen bolder. When they had added Texas as a new State to the Union, they were not satisfied with her boundaries as defined, by the river Nueces, but they coveted the country between that river and the Rio Grande. United States troops,

under General Taylor, were sent to occupy it. Mexico resisted this encroachment upon her territory and the Mexican War followed. Congress was asked to vote the necessary supplies and a bill was promptly introduced which declared:

"Whereas, by the act of the Republic of Mexico, a state of war exists between that Government and the United States,—

"Be it enacted, etc., That for the purpose of enabling the Government of the United States to prosecute said war to a speedy and successful termination, the President be, and he is hereby authorized to employ the militia, naval and military forces of the United States, and to call for and accept the services of any number of volunteers, not exceeding fifty thousand, and that the sum of ten millions of dollars be and the same is hereby appropriated for the purpose."

This bill was passed by overwhelming majorities in both Houses of Congress and was promptly approved by the President. The administration was in favor of this *defensive* war. But of the Massachusetts delegation in the House only two voted for it, one of these was Robert C. Winthrop, who represented Sumner's own district. He was a personal friend of Sumner, about his own age, and they had known each other from childhood. They had been at the Boston Latin School together and together again at Harvard. After leaving Harvard, their paths had diverged. Winthrop had been elected to the State Legislature and later became Speaker. Later still, he was sent to Congress and now he was a prospective candidate for Speaker of the House; coming thus early and continuously to public life, with good ability and a fine presence, he had developed into an able and graceful speaker. He was descended from one of the Puritan Governors of the Colony and living in a city where ancestry always counted for much, he numbered among his friends and relatives many of the best people of his district. As would be expected from these surroundings, Winthrop was an agreeable, companionable gentleman. He was always careful to observe the amenities of life and Sumner himself was indebted to him for many courtesies, often met him in society, had dined with him in Washington and was familiar in his home in Boston.

With his strong anti-slavery convictions, Sumner, however, was chagrined at Winthrop's vote, on the Mexican War Bill. He had publicly denounced the annexation of Texas as an unjust aggression of slavery. And now that we should be plunged into a war, for the acquisition of the territory of a neighboring friendly nation, and an offensive war too, which Sumner believed to be wrong, was, as he felt, the perpetration of a national

crime. There was a considerable party of people in Boston who felt as he did. Boston was the home of William Lloyd Garrison, the leader of the anti-slavery men of the country; and there he published his paper, *The Liberator*, which advocated the abolition of slavery, even at the sacrifice of the Union. Quincy, a suburb of Boston, was the home of John Quincy Adams, who had been sustained for years as the member for that district in the House of Representatives, where almost alone he had defied the slave-power and was now the recognized champion of Freedom upon the floor. So that the anti-slavery movement in Boston at that time had some strength and some ability to make itself felt.

But still it must be admitted there was a decided majority of the voters of Boston against it. Her seamen had a considerable carrying trade with the South and her merchants had many customers there. They felt that the interest of this trade and the tariff which was to be regarded as an off-set in the North to slavery in the South, both of which appealed to their pockets, were to be placed above this merely moral issue. Daniel Webster was the ruling spirit and he, with such men as Nathan Appleton and George Ticknor, intensely conservative, satisfied with the present order of things, which guaranteed their supremacy and opposed to any change, which might result in bringing new men to the front, were still easily able to control Boston. And so it was to continue yet awhile. But influences were at work which were soon to bring about a revolution in sentiment.

The excitement following the declaration of war, caused Winthrop's vote to be overlooked, for two months after it was cast. Charles Francis Adams, in the Whig, was the first to call attention to it. It was then taken up by other papers and an extended and somewhat acrimonious discussion followed, some justifying it, and others condemning it. Sumner did not at first enter into the discussion, but being pressed by his friends, Adams and Howe, who knew from conversation, how he regarded the vote, he took up the discussion and wrote three articles, which were published anonymously, but whose authorship he did not attempt to conceal from Winthrop.

On the 25th of October, 1846, Sumner addressed Winthrop an open letter. He carefully disclaimed any feeling, other than that of good will, mingled with recollections of pleasant social intercourse with him and insisted upon discussing his vote merely as an official act for which he was responsible to the people who had elected him and whose Representative he was. He also declined to discuss it, according to any scale of party

expediency, but only asked whether it was Right or Wrong. He argued that Congress alone had power to declare war and that without the passage of this act, which his vote sanctioned, the war could have no legal existence, that it was thus created and legalized and the means were thus furnished to continue an unjust and cowardly attack by a strong nation upon a weak one, merely with intent to rob it of its territory. He insisted that the preamble of the law, reciting that "by the act of the Republic of Mexico, a state of war exists," was a "brazen falsehood, and that, through him, his constituents were made to declare unjust and *cowardly war, with superadded falsehood, in the cause of slavery.*" To Winthrop's apology that he simply voted with the majority of the Whigs, Sumner answered "These majorities cannot make us hesitate to condemn such acts and their authors. Aloft on the throne of God, and not below in the footprints of a trampling multitude, are sacred rules of Right, which no majorities can displace or overturn." He insisted that the rules of right and wrong are the same for nations as for individuals and that as Winthrop would not lie, in his private life, so he ought not by his official vote to involve his constituents and his country in falsehood. He appealed to him to remember that he represented the conscience of Boston and the churches of the Pilgrims and urged him upon his return to Congress to lose no time in righting the wrong he had committed.

"It were idle to suppose," Sumner wrote, "that the soldier or officer only is stained by this guilt. It reaches far back and incarnadines the Halls of Congress; nay, more, through you, it reddens the hands of your constituents in Boston." Again: "Blood! Blood! is on the hands of the Representative from Boston. Not all great Neptune's ocean can wash them clean."

These expressions were especially offensive to Winthrop. He insisted that his vote had been conscientiously given and that it was unfair to employ such language towards him. He declined any further communications with Sumner and refused his hand, saying: "his hand was not at the service of any one who had denounced it with such ferocity, as being stained with blood." Coming, as all this did, on the eve of Winthrop's re-election, it was freely discussed as one of the issues in the campaign. The canvass of his votes and speeches in Congress, where they touched upon the slavery question, gave him a disagreeable prominence. Winthrop was a sensitive man and in his speeches in the campaign resented Sumner's action and referred to his strictures in no complimentary terms. The affair caused a complete rupture of their friendly relations and for fifteen years

they did not speak or even recognize one another when they met. Each pursued his own way upon the question of slavery and it is curious to note with what results.

During his absence upon a lecturing tour in Maine, Sumner was nominated for Congress. The feeling against Winthrop among anti-slavery men had become so strong, that they would not vote for him. It could do no good and would show no more consistency to vote for either of the other candidates, the Democrat or the Independent. Besides anti-slavery men felt that the time had come for them to act independently of the old parties and unite, as a separate organization, upon the one issue of slavery. A meeting was held in Tremont Temple on the evening of October 29, 1846. It was called to order by Dr. Howe. Charles Francis Adams was elected President and John A. Andrew, afterwards the War Governor of Massachusetts was chairman of the committee to propose a candidate and draft resolutions.

Sumner when privately approached had repeatedly refused to allow the use of his name as a candidate. Besides his unwillingness to enter public life he did not desire his criticism of Winthrop to be weakened, by the imputation that it was inspired by an unworthy ambition for his place. Mr. Andrews made a speech before the meeting, in support of the nomination, in which he said : "this nomination has been made upon the entire responsibility and sense of duty of this committee,—not only without the knowledge, approbation, or consent of Mr. Sumner, but in the face of his constant, repeated and determined refusal, at all times, to allow his name even for a moment, to be held at the disposal of friends for such a purpose." They felt, however, that Sumner was the logical candidate and they hoped to overcome his scruples against standing for the place. But Sumner was determined ; and upon his return from Bangor, two days later, by an open letter, he declined to allow the use of his name ; and that of Dr. Howe was substituted.

At the Whig primary in 1846, Sumner was chosen one of the delegates from Boston to the State Convention. The Convention was held in Boston. A caucus of the Boston delegation was held at the United States Hotel, the evening preceding the Convention, at which the differences between the older and younger Whigs became apparent. The older leaders desired that there should be no split in the party and urged that the delegation should stand together, in the convention, for a platform which would put forward the old issues of the tariff and internal improvements and keep back those of slavery and State rights,—a platform which would be broad enough to unite both wings of

the party, North and South. The younger Whigs believed that the moral issues were of paramount importance and should be put forward.

The same difference appeared in the Convention, the next day. It had been arranged that after the business of the Convention had been transacted about which there was little controversy, the selection of officers and candidates, that Robert C. Winthrop should introduce the other business, that of drafting the platform, in a carefully prepared speech, counselling moderation and an adherence to the landmarks of the party. But the younger Whigs, advised in advance of this programme, before Winthrop could be brought forward, called loudly from different parts of the hall for Sumner. He responded to the call and advanced to the platform and spoke earnestly upon the anti-slavery duties of the Whig party, urging the Convention not to lose sight of the great responsibilities of the hour, but to act firmly and take high ground upon the question of slavery. When Sumner stopped, Winthrop followed him, with his speech as previously arranged and showed some feeling in his manner, towards Sumner.

By this time the committee on resolutions, which had retired before the call was made for Sumner, was ready to report. Its report was not satisfactory to the anti-slavery Whigs and an amendment was offered by Stephen C. Phillips, embodying their views. In offering his amendment he supported it by a brief speech, which was answered by Linus Child, and he was in turn replied to by Charles Francis Adams, all showing some feeling. Each of the speeches was loudly applauded by their respective supporters. By this time the convention was in an uproar and bid fair to disband in confusion. Lawrence, Winthrop and Child were seen in anxious consultation, and immediately Fletcher Webster left the hall. He soon returned and after a whispered conversation, Lawrence went out.

In a few minutes Lawrence was seen, returning with Daniel Webster on his arm. The sight of the aged statesman with his marvelous presence and manner, such as perhaps no other man ever had, around which was now gathered the halo of his great name, was enough to set a Whig convention in Boston wild with enthusiasm. On the arm of Lawrence, Webster walked slowly up the aisle the whole length of the hall, to the platform. The delegates mounted upon their seats, waving their hats and handkerchiefs and shouted themselves hoarse. It was a scene long to be remembered.

The debate upon the amendment to the platform ceased upon the appearance of Mr. Webster. When he reached the stage

and took his seat, after order was restored, the debate was resumed. But the fate of the amendment was already sealed. His appearance at the decisive moment, with Mr. Lawrence, whose opposition was already known, Mr. Webster's own views upon the necessity of a union of all the Whigs, so often expressed and emphasized, something in his manner now, which told where he stood, the encouragement it gave the opposition and the embarrassment it caused the supporters of the amendment, were too much. Besides, the country delegates were compelled to leave, to catch the trains for their homes. This operated against the anti-slavery men, for they were generally in favor of the amendment, while the Boston delegates, a large proportion of the Convention, were generally opposed to it. And the amendment was lost.

Mr. Webster, thus far, had not spoken a word. But after the vote was taken, he made a short speech to the Convention and again aroused it to the highest enthusiasm. He urged the importance of a union of all the Whigs, saying: "Others rely on other foundations and other hopes for the welfare of the country; but for my part, in the dark and troubled night that is upon us, I see no star above the horizon promising light to guide us, but the intelligent, patriotic, united Whig party of the United States."

Sumner had referred to Webster in addressing the Convention and had urged him to espouse the cause of Freedom, and add the title of *Defender of Humanity* to the other titles he had already earned—*Defender of the Constitution* and *Defender of Peace*,—assuring him that he would thereby add to the fame that was already his. Two days later he addressed Mr. Webster a letter in which, after expressing his high regard for him, he again pressed him to declare himself against the aggressions of the slave power. To this letter, ten days later, Mr. Webster replied that he had ever cherished a high respect for Sumner's character and talents and had seen with pleasure the promise of his future eminence, but confessed that in political affairs they entertained a difference of opinion and took a different view of the line of duty most fit to be pursued.

John G. Whittier, on the other hand, after reading the report of Sumner's speech and the other proceedings of the Convention, sent him his poem, "The Pine Tree," in autograph.

" Lift again the stately emblem on the Bay State's rusted shield,  
Give to Northern winds the Pine Tree on our banner's tattered fields;  
Sons of men who sat in council with their Bibles round the board,  
Answering England's royal missive with a firm "Thus saith the Lord"  
Rise again for home and freedom!—set the battle in array!—  
What the fathers did of old times we their sons must do to-day."

"Tell us not of banks and tariffs—cease your paltry, pedler cries,—  
Shall the good State sink her honor that your gambling stocks may rise?  
Would you barter man for cotton? That your gains may sum up higher,  
Must we kiss the feet of Moloch, pass our children through the fire?  
Is the dollar only real?—God and Truth and Right a dream?  
Weighed against your lying ledgers must our manhood kick the beam?  
\* \* \* Where's the man for Massachusetts? Where's the voice to speak  
her free?  
Where's the hand to light up bonfires from her mountains to the sea?  
Beats her Pilgrim pulse no longer? Sits she dumb in her despair?—  
Has she none to break the silence? Has she none to do and dare?  
O my God! for one right worthy to lift up her rusted shield,  
And to plant again the Pine Tree in her banner's tattered field?"

Little did Whittier then see the future of the young man he addressed and how fully he was to realize, in him, the wish of that hour!

But it was too early then for any one to see far into the future upon the question of slavery. The election came. Winthrop had 5,980 votes; Howe only 1,334; Homer (Democrat), 1,688; Whiton (Independent), 331. The issue which Winthrop represented and the fight made against him by the anti-slavery men, attracted to him a good many votes from the Democrats, who had no chance of electing their candidate, and he was triumphantly elected. The large vote he received was an apparent vindication of his vote on the Mexican War bill as well as his record upon the slavery question. Sumner's efforts to the contrary seemed futile.

But the end was not yet; and the subsequent careers of Winthrop and Sumner present a curious contrast in the anti-slavery contest. Winthrop, in 1847, was a candidate for Speaker of the House and his course in Congress and in the last campaign having satisfied the Southern wing of his party he was elected, though the anti-slavery Whigs, Giddings, Palfrey and Tuck voted against him. Two years later he was again returned to Congress and was again a candidate for Speaker and was again opposed by the anti-slavery Whigs, now increased in number to nine; but this time he was defeated by Howell Cobb of Georgia, the candidate of the extreme pro-slavery men. In July, 1850, Winthrop was appointed by the Governor of Massachusetts to fill the vacancy in the Senate caused by the resignation of Daniel Webster; and he was a candidate for the full term succeeding, but was defeated. In 1851, he was a candidate for Governor and was again defeated. There his political career ended.

He had favored the annexation of Texas, with a pro-slavery constitution, had voted for the Mexican war and had supported

it, he had refused to assist in excluding slavery from the Territories and favored President Taylor's policy of non-intervention, he had approved the course of Webster in his seventh of March speech and had fought the efforts of the anti-slavery men of Massachusetts to check the encroachments of the slave power. They had come to regard him as the leader of the pro-slavery influence of the State and they therefore marked him for defeat. They triumphed in the election of Sumner to the Senate and Winthrop's official career ended where Sumner's began. Sumner's ended with his death.

Winthrop lived till 1894 and maintained his reputation to the end as a refined and scholarly gentleman. Being an accomplished speaker, he was frequently called upon to deliver addresses upon commemorative occasions. As a lecturer, he also gained a wide reputation and in Boston was ranked second only to Wendell Phillips. But he was not, after 1851, known as a factor in politics. He spent the balance of his life devoted to literature and scholarly pursuits.

In January, 1847, Sumner argued before the Supreme Court of Massachusetts, an application for a discharge, made by some volunteers, in a regiment enlisted for the Mexican war. The regiment was organized, upon the proclamation of the Governor of Massachusetts, under the act of Congress authorizing the President to call for 50,000 volunteers. The application for discharge was made on behalf of some minors, who repented their too hasty enlistment. It was based upon the unconstitutionality of the Act of Congress, and the question whether a minor is bound by a contract of enlistment. Sumner argued earnestly, and especially desired the court to hold, that the act was unconstitutional, but the court, while deciding the case in favor of his clients, placed its decision upon the ground of the minority of the applicants.

To give expression to their feeling and, if possible, to enlist public sentiment with them, the opposition in Boston to the war, called a mass meeting, to be held in Faneuil Hall, on February 4, 1847. They urged the withdrawal of the United States troops from Mexico. The speakers were Sumner, James Freeman Clarke, John M. Williams, Theodore Parker, Elizur Wright and Walter Channing. They were young men and some of them afterwards became famous. But the men who were older and were recognized as leaders in Boston were not there. Some of them were pro-slavery in their sympathies and favored the war; others while questioning the justice of it, did not care to antagonize the popular enthusiasm which our victorious army had aroused. The meeting did not prove a very enthusiastic

one. The speakers were repeatedly interrupted by persons in the audience, some recognized as volunteer soldiers, who tried to drown their voices. Sumner's speech was mainly a parallel between the condition of our people in the war for independence and that of the Mexicans in the present war,—a train of thought which he afterwards enlarged upon in some other addresses.

However dark the prospect had so far seemed to the friends of freedom in Boston, they were not disposed to be discouraged. They had at least the consciousness of a good cause. Their interest in politics was not prompted by a desire for office, but by an abiding conviction that slavery was wrong and a blot upon the fame of their country that should be removed. They therefore persevered.

On the 5th of September, 1847, Sumner attended the primary of the Whigs in Washingtonian Hall, Boston, for the choice of delegates to the State Convention. He introduced a series of resolutions declaring the Mexican war one of aggression and conquest and therefore a national crime and rendered more hateful, as seeking to extend and strengthen the slave power; and that for the sake of the constitution which it violated and the treasure which it wasted and the innocent lives which it cost, our troops should be at once recalled. They declared against the acquisition of any more territory and insisted that if any more was acquired, slavery should be forbidden in it. Sumner, Charles Francis Adams and J. S. Eldredge spoke in favor of them; James T. Austin and William Hayden against them. A motion to lay them on the table finally prevailed. It was too soon for the Whigs of Boston to be thus frank upon the question of slavery. But the name of Sumner was placed at the head of the list of delegates to the State Convention chosen at the primary.

The Whig Convention was held at Springfield on September 29. Daniel Webster was present and addressed the convention and a resolution was adopted indorsing and recommending him to the National Convention as a candidate for President. While this resolution was pending, John G. Palfrey moved an amendment to it, that the Whigs of Massachusetts would support no man for President or Vice-President, who was not known by his acts and declared opinions to be opposed to the extension of slavery. Webster, as was already well known, was hedging upon this question and seeking for the vote of both wings of the party. But this amendment was not aimed altogether at him. It was the outcome of a conference among the anti-slavery Whigs, who felt aggrieved at the Southern mem-

bers of the party, who would not support any one for office who was not known to be favorable to slavery. The anti-slavery men hoped by pursuing the same course to secure concessions to themselves or at least to show the futility of undertaking to longer unite two such discordant elements. Palfrey, Sumner, Charles Francis Adams, William Dwight and Charles Allen spoke in favor of the amendment and Winthrop and John C. Grey against it. The amendment was lost.

Sumner closed his speech to the convention, full of earnestness, with these words: "Be assured, sir, whatever the final determination of this convention, there are many here to-day who will never yield support to any candidate for the Presidency or Vice-Presidency, who is not known to be against the extension of slavery, even though he have freshly received the sacramental unction of a 'regular nomination.' We cannot say with delectable morality, 'our party *right* or *wrong*'. The time has gone by when gentlemen can expect to introduce among us the discipline of the camp. Loyalty to principle is higher than loyalty to party. The first is a heavenly sentiment, from God; the other is a device of this world. Far above any flickering light or battle lantern of party is the everlasting sun of Truth, in whose beams are the duties of men."

Sumner was disappointed at the vote of the convention. It was taken late in the evening, when the light in the hall was not good; and though the amendment was declared lost, there were some who questioned the correctness of the count. The "Conscience Whigs," as the anti-slavery members of the party were now called, left the convention dissatisfied and debating what course to pursue, some were for submitting, others for bolting. Sumner was for some months in correspondence with Thomas Corwin of Ohio, whose vigorous speech in the United States Senate, in opposition to the Mexican war, met his hearty approval. He desired an organized, independent movement of anti-slavery men of all parties and favored the nomination of Corwin for President.

Corwin himself at first favored independent action. But by October, 1847, he had changed his mind and was back in the ranks of the Whig party to stay and to uphold its waning fortunes to the end. He was growing old and had been an orator of rare power and dramatic talent. His efforts in Congress and on the stump had gathered around him multitudes of admirers in the party. They had honored him with a seat in Congress, the Governorship of Ohio and the seat in the Senate he now occupied. These were high places; and he could not find it in his heart to break these associations of a lifetime. Who

would now blame him for it! He was afterwards Secretary of the Treasury, a member of Congress and Minister to Mexico. It was left to younger men, of fewer political attachments and perhaps of sterner mould, to bear the brunt of the fight that was now opening. Sumner regretted the defection of Corwin from them, as well as the failure to establish an anti-slavery test for office in the Whig convention.

It was left to the great parties to compel, by their action, a break with the anti-slavery forces. The Democrats in Baltimore, in May, 1848, nominated Lewis Cass for President, who had lately by his vote against the Wilmot Proviso given satisfactory evidence to pro-slavery men of his loyalty to them. The Whig convention met in Philadelphia, in June, and nominated Zachariah Taylor, himself a slaveholder and the successful general of the Mexican war. How could anti-slavery men conscientiously vote for either? Webster had few votes and no chance of the nomination at Philadelphia. The nomination of Taylor was a foregone conclusion, but when it came it caused a scene in the convention. Charles Allen and Henry Wilson of Boston, both delegates, as soon as the result was announced, arose in the convention and, amid great confusion, declared they would not support the candidate. Wilson insisted that Taylor did not represent the sentiment of the party and that he would do all he could to defeat the ticket. The declaration was met by a storm of hisses, but it found some approving spirits, in the convention as well as out of it.

That day's work gave birth to the party that destroyed slavery. The new movement was at first known as the Free Soil, and afterwards as the Republican, Party. The dissatisfied Whigs, anticipating what was likely to, and really did happen, in the nomination of Taylor had prepared in advance a call for a mass convention of persons of all parties who were dissatisfied with the nomination of Cass and Taylor to meet at Worcester, on June 28, and take such action as the occasion demanded and to co-operate with the other Free States in a convention for the same purpose. Charles Francis Adams' name stood first of those who signed this call and Sumner's next. Sumner was active in procuring speakers and making preparations for the convention. As many as five thousand persons assembled at Worcester in answer to the call and the City Hall, where they had arranged to meet, being too small to accommodate them, they adjourned to the Commons. Samuel Hoar of Concord was made chairman and Dr. Howe one of the vice-presidents, and Allen, Wilson, Joshua R. Giddings, Chas. F. Adams, Sumner and E. Rockwood Hoar, were among the

speakers. The speakers were all deeply in earnest and united firmly in renouncing former party ties and in favoring the nomination of candidates for President and Vice-President, to represent those who were opposed to the extension of slavery.

Sumner's speech was short. He dwelt upon the power that the advocates of slavery had acquired in our politics. He reminded them that the great men of our Revolution had all deplored the evils of slavery and that the Constitution had placed it where it was believed to be in the course of ultimate extinction. But it had not been extinguished. It was reaching out for more territory out of which to make more slave States. It was insisting that it should be legalized in places where it was supposed to have been forever excluded. It had proposed a new test for office, that would have excluded Washington, Jefferson and Franklin from the public service, placing its ban on every one, who dared to pronounce it wrong. It had lately, he reminded them, dictated to both parties their nominees for President. Sumner especially deplored the combination which had accomplished the nomination of Taylor, "an unhallowed union—conspiracy, let it be called—between two remote sections: between the politicians of the Southwest and the politicians of the Northeast—between the cotton planters and flesh-mongers of Louisiana and Mississippi and the cotton-spinners and traffickers of New England,—between the lords of the lash and the lords of the loom." He argued that the triumph of either party would be a victory for slavery and insisted that the only course left for anti-slavery men was to nominate a ticket of their own and thus the slave power would be confronted with the power of freedom.

"But it is said," he exclaimed, rising to his full height, "that we shall throw away our votes and that our opposition will fail. Fail, sir! No honest, earnest effort in a good cause can fail. It may not be crowned with the applause of men; it may not seem to touch the goal of immediate worldly success, which is the end and aim of so much in life. But it is not lost. It helps to strengthen the weak,—to arm the irresolute with proper energy,—to animate all with devotion to duty, which in the end conquers all. Fail! Did the martyrs fail, when with precious blood they sowed the seed of the church? Did the discomfited champions of Freedom fail, who have left those names in history that can never die? Did the three hundred Spartans fail, when in the narrow pass, they did not fear to brave the innumerable Persian hosts, whose very arrows darkened the sun? Overborne with numbers, crushed to earth, they left an ex-

ample greater far than any victory. And this is the least we can do. Our example will be the mainspring of triumph hereafter. It will not be the first time in history that the hosts of Slavery have outnumbered the champions of Freedom. But where is it written that Slavery finally prevailed?"

The convention adopted resolutions and an address to the people, and chose six delegates at large to the National Convention, called to meet at Buffalo on August ninth. Charles Francis Adams headed the list of these delegates. Delegates were afterwards chosen to represent each congressional district. R. H. Dana was chosen in Sumner's district, Sumner was not a delegate but concurred, in the choice of Dana to represent his district and of Adams as their State representative. He was a cordial and enthusiastic worker in the cause, unselfish in his devotion to it and loyal in the support of his friends. He, however, attended the convention at Buffalo and was pressed to speak but declined.

Salmon P. Chase was the chairman of this convention and Joshua R. Giddings, David Dudley Field, Preston King and Samuel J. Tilden were among the delegates. It was an unusual gathering. It lacked in large measure, the place-seekers and the customary scrambling for office, while an unaccustomed religious air pervaded many of its meetings, showing that more than usual, the people of principle and men who would represent principle were there.

Martin Van Buren was nominated for President and Charles Francis Adams for Vice-President. No question could be made of the sincerity of Adams. But there was some doubt of the real purpose of Van Buren in joining the movement and accepting the nomination. He had already filled the office of President and had well earned the distinction of being one of the shrewdest politicians the country had produced. This new move proved again his title to this distinction. Daniel Webster appreciated the situation, when he said, a few weeks later: "If Van Buren and I were to find ourselves together under the Free-Soil flag, I am sure that with his accustomed good nature, he would laugh. . . . That the leader of the Democratic party should so suddenly have become the leader of the Free-Soil Party would be a joke to shake his sides and mine."

But it was not altogether a joke with Van Buren. Cass was now the candidate of the Democratic party,—the party Van Buren had so often guided to victory. Between Van Buren and Cass there was an old grudge. Cass had allowed himself to be received upon his return from the Ministry to France in 1842,

with great popular demonstrations, as a candidate for President; and in the Democratic convention of 1844, had allowed himself to be voted for by the pro-slavery wing of his party, who were seeking to punish Van Buren, also a candidate, for opposing the annexation of Texas, and who did accomplish his defeat, by the nomination of Polk. Besides, the Van Buren faction of the New York Democracy had sent a contesting delegation to the Baltimore convention that nominated Cass and if admitted their votes could have defeated him. Afraid to exclude them entirely, for New York, with her large electoral vote, could decide the election,—the convention had offered to admit both delegations, with an equal division of the vote. But the Barn-Burners, as Van Buren's wing was called, who represented the New York anti-slavery Democrats, had spurned this proffered compromise and returned to their homes. The Hunker wing had remained, but afraid of the effect of their votes in the election, if it should be said that they had nominated Cass, they refrained from voting and his nomination was made without the participation of New York.

The Van Buren wing, upon their return home, had issued a call for a State convention to be held at Utica on the 22d day of June. But before this day came, the widespread dissatisfaction, with the candidates of both parties and the call for the Buffalo convention of August ninth had absorbed the attention of those who were dissatisfied and all other movements were merged in that. Sumner had preferred Corwin or Webster as the candidate and Judge McLean had been approached, but each after dallying with the movement, had drawn away from it. But Van Buren, seeing an opportunity to square some old accounts had expressed his willingness to stand. He was supported by the compact organization of the New York Barn-burners and was nominated. Sumner, frank of nature himself, was ready to take men at their word and welcome new recruits to a good cause from every side. He heartily accepted the result.

On the evening of August twenty-second, he presided at a meeting in Faneuil Hall to receive the report of the delegates to the Buffalo convention and to ratify the nominations. On taking the chair he made a brief speech. He said that the meeting was in the interest of Freedom whose cause was in danger, that the self-evident truths of the Declaration of Independence were assailed and that a body of men whose principles were unknown to the framers of the Constitution, the slave power, had seized the government and now controlled both parties, that Whigs and Democrats were but rival factions of one party—the

slave party, that at Baltimore the delegations of the most important State of the Union known to be in favor of the Wilmot Proviso had been refused admission to the convention, while at Philadelphia the Proviso itself was stifled amid cries of "Kick it out," that Cass was nominated at Baltimore, pledged against its whole principle, while at Philadelphia, Taylor, a slaveholder, was nominated without any platform; but at Buffalo men of all parties united in opposition to slavery. In speaking of the candidates, he said that some like himself had once voted against Van Buren, the Democrat, and he regarded some portions of his career with anything but satisfaction, and that others of those present had doubtless voted against Adams, the Whig, but that these differences were forgotten now. "Time changes," he said, "and we change with it. He has lived to little purpose, whose mind and character continue through the lapse of years, untouched by these mutations. It is not for the Van Buren of 1838 that we are to vote, but for the Van Buren of *to-day*."

Sumner took an active part in the campaign, speaking at the principal places in Massachusetts, beginning at Plymouth. He gave one week to Maine and, though he was invited to take part in the campaign in other States and to speak in New York, Philadelphia and Brooklyn, he declined. His speech ordinarily occupied three hours in the delivery and though it was sometimes past midnight when he closed, he kept the attention of his hearers to the end. Contemporary chroniclers are uniform in their testimony of the beauty and winning power of the speech. Though his cause was not popular, in the twenty-eight places that he spoke in Massachusetts, he was never rudely interrupted, but once, and this was at Cambridge, the scene of so many pleasant associations of his youth, where a considerable sprinkling of students from the South and from the aristocratic and conservative families of Boston, reflected their home sentiments. Here he was interrupted with some yells and hisses. But he met them promptly and by singling out and shaming the ringleaders, he quelled the disturbance. The sounds grated harshly on the refined and sensitive ears of Longfellow, who was present and thought he saw the loss of Sumner to the literary career he had coveted for him.

Others saw it differently. To them it was the appearance of a new man, in the political arena, representing a new party. He was estimated to be the ablest speaker of his party and widened his fame as an orator. His addresses so far had been before colleges or societies for the promotion of some reform, or in lecture lyceums, where privileged classes of superior

culture had heard him. But now he came before the plain people of his State. Others, perhaps, like Charles Allen, who was elected to Congress from the Worcester district, drew larger numbers of converts to the cause. This was owing to the remoteness of the influence of Webster and of aristocratic Boston, where party lines were more sharply drawn. And something must be granted to Sumner even in Worcester, for he spoke there in the convention and in the campaign. But by common consent he drew the most admiration and won the first place in the estimation of his party.

In October Sumner was nominated for Congress in the First Massachusetts district. He was not present at the convention, but had authorized a delegate, if his name was mentioned as a candidate, to publicly announce his declination to accept any political office. Notwithstanding, he was nominated by acclamation and the committee in notifying him of it, urged that a political crisis had come which called upon every man to forego his personal wishes. He accepted the nomination in a letter dated October 26, 1848. Referring to his own wish he said :

"The member of the convention who spoke for me, at my special request, did not go beyond the truth. I have never held political office of any kind, nor have I ever been a candidate for any such office. It has been my desire and determination to labor in such fields of usefulness as are open to every private citizen, without the honor, emoluments or constraint of office."

"You now bid me renounce the cherished idea of my life, early formed and strengthened by daily experience, especially by circumstances at the present moment. In support of this request you suggest that a political crisis has come which calls upon every man to forego his personal wishes. Upon serious deliberation, anxious to perform my duty, I feel myself unable to resist this appeal. In my view a crisis has arrived, which requires the best efforts of every citizen, nor should he hesitate with regard to his peculiar post. Happy to serve in the cause he should shrink from no labor and no exposure."

The Presidential election took place on November seventh. In Massachusetts, Taylor had 61,072 votes; Van Buren 38,133 and Cass 35,284. By dividing the Democratic vote, the Free-Soil party had made Taylor's success easy. In New York where the electoral vote was much larger and the issue consequently much more important, the same result was brought about. Taylor had 218,603 votes; Van Buren 120,510 and Cass 114,318. The vote of New York controlled the election and Taylor won. The Whigs of that State, both *pro-* and *anti-*

slavery, mistrusted Van Buren. They had fought too many battles with him to be easily cajoled. William H. Seward, who possessed the unbounded confidence of the anti-slavery men, on the stump, seconded by Horace Greeley, in the editorial chair, with Thurlow Weed to organize the campaign, made a combination perhaps never equalled; and they fought a most earnest fight for General Taylor. But while Van Buren, as he was shrewd enough to anticipate, could get few Whig votes, he hopelessly divided his old companions in victory, the Democrats, defeated Cass and squared one of his political accounts. He was then ready to return to his first love and ever after, to the day of his death, in 1862, continued a consistent Democrat.

The election in Massachusetts for State officers and members of Congress took place the week after the Presidential election. Little time remained for farther work. Sumner had been made chairman of the State Committee of the Free-Soil party. Two days after the Presidential election he prepared, and the committee adopted, an address to the voters of the State. After congratulating them upon the fact that almost 40,000 had declared their adhesion to their party and that they were not now the *third* party, he urged them in the next election, by greater efforts, to make themselves the *first*. "Ours is the cause of truth, of morals, of religion, of God. Let us," he wrote, "be united in its support! 'A stout heart, a clear conscience, and never despair.' These were the last words addressed in writing by John Quincy Adams to a person deeply interested in our movement." The address urged them to apply these words to themselves. It was signed by Sumner as chairman, and by the other members of the committee; and it is interesting to note among the names of these members of the committee, then mere politicians for the sake of principle; J. A. Andrews, afterwards War Governor of Massachusetts; John G. Whittier, the poet; E. Rockwood Hoar, later a Congressman; and Amasa Walker, the Political Economist.

Sumner's nomination for Congress had been, as he himself expressed it, "like a forlorn hope." The party had been organized only six months before the election. Until the Presidential election, the estimate of the vote it would poll could be little better than conjecture. The large vote it received, with the older politicians and political speakers working against it, with their compact organizations, and only the younger men in its favor, and they little known to fame or influence, showed how strong a dislike there was among the plain people to the principles and bullying attitude of the slave power. In the two great States of New York and Massachusetts, it had a larger

vote than the Democratic party. In Sumner's district, it polled at the Presidential election 1,909 votes as against 8,427 for Taylor and 2,997 for Cass. This was in conservative Boston. But in the week following, these figures were materially changed. At the Congressional election then held, Sumner increased the vote of his party from 1,909 to 2,336, a fact which showed something for his personal influence and popularity. Winthrop had 7,726 and Hallett 1,460. Winthrop was elected; but Sumner was second.

The election of 1848 had a great influence upon the political fortunes of the country. Prior to that time, there had been a great deal of discussion of the slavery question, both in Congress and before the people. Many good people had deplored the existence of slavery and by constant agitation had done what they could to arouse public sentiment against it. But till now there had been no organized political movement against it, no independent effort, when the people were squarely appealed to, by their votes to curb its power. Always before, this feeling of opposition had been hushed up with threats of disunion, or so complicated with other issues that the anti-slavery question was hardly recognizable. But now, for once, Freedom had obtained a hearing and the people had spoken with emphasis, and it was found how considerable a number of voters was ready to join a party under this battle-cry alone. Its success gave a bolder tone to its voice and confidence to its advocates. Henceforward it was to be a distinct force in politics, becoming constantly more powerful till it finally triumphed.

For Sumner the influence of the election was no less decisive. He could be fairly said to have earned the title of leader of the party in Massachusetts. True, there was Charles Francis Adams, who had been the candidate for Vice-President on the ticket with Van Buren. But he was the editor of *The Daily Whig*, and his duties had confined him to his paper. And there was Charles Allen, of Worcester, who had been carried into Congress on the top wave of the movement. But Sumner's fame as a speaker had outreached all the others. And his chairmanship of the committee had brought him into prominence and into intimate relations with the workers of the party. The people liked the fearlessness, the earnestness, the absence of self-seeking and the high moral tone of the man. The movement was partly a rebellion against the leadership of men in politics, who, in their care for themselves and the offices gave too little heed to the needs of their constituents and the rights of humanity. Sumner was more according to their ideal than the men they had been supporting for high places.

He was honest. This was the tower of his strength. He made it the rule of his life to see where the right lay and then pursue it. And he voiced the sentiment of many good people when he wrote on July 6, 1849: "The National Government has been for a long time controlled by Slavery. It must be emancipated immediately." He hailed the promise now of a North which would spurn the "mockery of a Republic with professions of Freedom on its lips, while the chains of slavery clanked in the Capitol."

As chairman of the State Committee of the Free-Soil party, Sumner called the State Convention to order in Worcester on September 12, 1849. He had arranged for speakers to address the convention. Among them were Charles Francis Adams, Charles Allen, Anson Burlingame and Edward L. Keyes. Stephen C. Phillips, of Salem, was nominated for Governor. He was a wealthy merchant who had previously been a Whig and had been sent by his party to Congress. John Mills, formerly a Democrat, of Springfield, was nominated for Lieutenant-Governor. Sumner was made chairman of a committee to report an address and resolutions, to be published to the people of the State, setting forth the principles and purposes of the party. The committee was composed of one member from each county of the State. John G. Whittier was the member from Essex.

Sumner prepared the address and read it to the convention. It occupied more than an hour in the reading. It was an elaborate and carefully prepared vindication of the principles of the Free-Soil party. It insisted that the old political issues of the Bank, the Sub-treasury, the Public Lands and even the Tariff were all obsolete. Quoting from both Clay and Polk, the leaders of their respective parties, he showed that both Whigs and Democrats occupied the same ground upon the Tariff and that Webster for the Whigs, and Walker for the Democrats, were both pleading for its withdrawal from the list of issues, so that the industries of the country might not further suffer from the uncertainty caused by its discussion; that the great issue now was, Are you for Freedom or are you for Slavery? He regretted that we had drifted away from the sentiment of the great men who had achieved our independence and organized our government, and that from being *anti-slavery* we had now become a *pro-slavery* nation. The address then enumerated the usurpations of the slave power:

The Slave States were far inferior to the Free States, in population, wealth, education, libraries and resources of all kinds, and yet they had taken to themselves the lion's share of

honor and profit under the Constitution. They had held the Presidency for fifty-seven years, while the Free States had held it for twelve only.

Early in the century, when the District of Columbia was occupied as a National Capital, the slave power succeeded in defiance of the spirit of the Constitution and even of the express words of one of its amendments, in securing for slavery, within the district the countenance of the government. Until then slavery existed nowhere on land within the exclusive jurisdiction of the nation.

It secured for slavery another recognition in the Territory of Louisiana, purchased from France.

It placed slavery under the sanction of the government in the Territory of Florida, purchased from Spain.

It was able, after a severe struggle, to compel the government to receive Missouri into the Union with a pro-slavery constitution.

It instigated and carried on a war in Florida, mainly to recover fugitive slaves.

It wrested Texas from Mexico to extend slavery and finally secured its admission as a State with a constitution making slavery perpetual.

It next plunged the country into a war with Mexico to gain new lands for slavery.

It compelled the government to refuse to acknowledge the republic of Hayti, where slaves had become freemen and had established an independent nation.

It compelled the government to stoop before the British queen to secure compensation for slaves who had asserted and achieved their freedom on the Atlantic Ocean and afterwards sought shelter in Bermuda.

It compelled the government to seek the negotiation of treaties for the surrender of fugitive slaves.

It joined in declaring the foreign slave trade *piracy*, but insisted upon legalizing the coast-wise slave trade.

It had rejected for years petitions to Congress against slavery, thus denying the right to petition.

It had imprisoned and sold into slavery colored citizens of Massachusetts.

It had insulted and exiled, from Charleston and New Orleans, the representatives of Massachusetts, who were sent to those places as commissioners of the State to protect her colored citizens.

In the formal dispatches of John C. Calhoun, as Secretary

of State, it had made the Republic appear as the vindicator of slavery.

It had put forth the doctrine that slavery could go to all newly acquired territories and have the protection of the flag.

In defiance of the declared desire of the Fathers to gradually extinguish slavery, it had successively introduced into the Union, Kentucky, Tennessee, Louisiana, Mississippi, Alabama, Missouri, Arkansas, Florida and Texas as slaveholding States to fortify its political power and make the government lend it new sanction.

By such steps, he argued, the national government had been perverted from its original purposes, its character changed and its power subjected to slavery. This should not have been permitted to befall a government nursed by Freedom into strength and quickened by her into those activities which are the highest glory of a nation.

The Address then asked the question, Shall slavery be extended into the territories of California and New Mexico and they be admitted as slave States? It insisted that a direct prohibition by law was necessary to prevent this. It defined the position of the Free-Soil party towards these accumulated and threatened aggressions—that it was pledged to the prohibition of slavery in the Territories and wherever else the national government was responsible for it, that the District of Columbia was national territory and must be cleared of it, that the nation must be made to stand openly, actively and perpetually on the side of freedom and that while it might have no power to abolish it in the States where it already existed it should be made to step to the very verge of its authority in this direction. This, with cheap postage, the Address added, and an economical administration of the government, abolishing unnecessary officers and electing the others, as far as practicable, by the people, the improvement of our rivers and harbors and free public lands, enough for homes for actual settlers, were the principles of the Free-Soil party.

The Address was violently attacked by the Daily Atlas and other Whig papers of the State. In one issue the Atlas questioned a statement of the Address that Washington had declared his sympathy with the work of the Anti-slavery Societies and that in any movement for the abolition of slavery his vote should not be wanting. Sumner, then in New York, wrote in reply to the denial of the truthfulness of these statements, an open letter, quoting numerous writings of Washington to sustain his position. The attitude of the press towards the Free-Soil party and its advocates had been peculiarly personal. The

increasing circulation of the Whig, the anti-slavery organ, edited by Charles Francis Adams, which Sumner had assisted in establishing and to whose columns he was a frequent contributor, was disturbing the older papers, as the large vote of the Free-Soil party was disturbing the Whig politicians. They referred to Sumner, Adams and Palfrey as "The Mutual Admiration Society," "Charles Sumner & Co." Sumner they called "a transcendental lawyer," Palfrey was "Judas," Adams, "a political huckster," etc. This bitterness of the Whigs naturally made political combinations between the Free-Soilers and Democrats easy.

The State was Whig in politics. This party had, therefore, everything to lose by a change in party lines, as then existing. The Democrats, on the contrary, had everything to gain and hence were willing to let events take their course and even help along dissensions among the Whigs. In the election of 1849 therefore, the most important feature was the combination made between the Free-Soilers and Democrats. They elected, in this way, thirteen Senators and one hundred and thirty Representatives, in the State. The Free-Soil vote of the previous year had been kept well up and the results secured were suggesting to thoughtful men that these combinations could be made useful in the future.

## CHAPTER XVII

FRIENDS DROPPING AWAY—THE CAUSE—EFFECT ON SUMNER—  
NATHAN APPLETON, ABBOT LAWRENCE, THE TICKNORS  
GONE—BUT NOT LONGFELLOW, HOWE, BANCROFT, PRES-  
COTT, KENT—NEW FRIENDS

THE years from 1845 to 1850 were eventful ones in the private life of Sumner. Judge Story was dead and with him was gone one of the strongest ties that bound Sumner to Harvard and the quiet student life of his youth and early manhood. Professor Greenleaf was in failing health. He resigned his professorship in 1848 and died in 1853. Their places in the Law School were filled. The old, familiar faces about the college were disappearing and new ones were taking their places. Sumner felt the distance between him and Cambridge increasing.

The friends of his own age were changing also. Their paths were diverging. Most of them were not interested in slavery and were not willing to go to the lengths upon this subject that he went. They thought him extravagant and visionary, in his views. He was too much of an idealist for their practical eyes. The subject which occupied so much of his time and thoughts was distasteful to them, slavery was unpopular in the circles where they moved and they did not wish to be compromised with it. It was far away from them, out of their sight and they knew little and cared less about it, while the good will of their own community brought bread and butter to them and their families and was much more important.

Sumner's controversy with Winthrop about his vote on the Mexican war bill has already been mentioned. It alienated many of his friends. He and Winthrop, being young men, of about the same age, always living in Boston and educated together, had many mutual friends. But Winthrop had the advantage of Sumner, in this: he was the member of Congress and controlled the appointments to the Federal offices in his district. This naturally attached a wide circle to his interest. Sumner had no political prestige, except such as in a private station, his talents gave him. The controversy in the papers was long and acrimonious and was renewed in their speeches. On the part of Winthrop it became personal. Sumner was care-

ful not to allow it to be so on his part. He wrote his brother George, still in Europe, that if he met Winthrop, who was expected in Paris, he should not allow it to make any difference in his treatment of him, that he had no feeling towards Winthrop personally, but of kindness, and would not if it were otherwise, wish his relatives to take up his controversy.

John Quincy Adams died in Washington during the progress of the controversy. When the aged statesman was stricken with paralysis in his seat in the House, Winthrop being Speaker, had him carried to the Speaker's room, where he lay till he died, two days later. With his abounding courtesy, Winthrop was unremitting in his care of him and offered many civilities during the progress of the funeral to the friends. Charles Francis Adams, the son, could not forget this. He had till then been the editor of *The Whig* and had written some caustic criticisms of Winthrop's vote, but touched with this kindness and occupied with the settlement of his father's affairs, he felt he could no longer take part in the controversy and soon gave up the management of the paper. During the interval between his father's death and his retirement from *The Whig*, some two months, Sumner edited the paper. He was urged to become the permanent editor, but declined.

Palfrey and Howe, who had taken some part in the criticism of Winthrop, had long before disappeared from the controversy, and on the retirement of Adams, Sumner was left alone to end it and to inherit the accumulated ill-will reserved for the last champion of the fight. Having entered it reluctantly and only after it had been commenced by others, and upon their solicitation, he had received more than his share of the ill-feeling it engendered.

When later he went into the movement to organize the Free-Soil party and appeared upon the stump, championing its cause with all the earnestness he did, he touched Boston society at another tender point. He was striking at the success of the Whig party and around it gathered much in which Boston took a just pride. The massive eloquence of Daniel Webster and his great career as a statesman; the more ornate, if less powerful oratory of Choate and Winthrop and Everett; the charming society of George Ticknor and his accomplished wife (he had been Minister to Spain); the accumulated capital of the Boston merchants and manufacturers in their commerce with the cotton planters of the South; the youth and beauty, the best society and the pleasantest homes, for a quarter of a century, had gathered about the Whig party. It had given offices and honors to her citizens. There is no surer way to cause a separa-

tion of pleasant lifetime acquaintances than to join and persistently advocate a new political party, hostile to one that has long held sway in a community. Sumner had dared to do this and he encountered the customary storm.

He did it fully realizing the consequence to himself. "I do not say that I can," he wrote his brother George, "but I do strive in what I do, to think as little as possible of what others may think of it and of its influence on my personal affairs. In such a mood, criticism unfavorable and hostile, neglect and disfavor, lose something of their sting. What is it to an earnest laborer, whether one or ten societies recognize him by their parchment fraternization, or whether reviews frown or smile? And yet it cannot be disguised that praise from the worthy is most pleasant and that all tokens of kindly recognition are valuable. But it is not for these that we live and labor."

And a little later, just after the election of 1848, he wrote George again: "You will see that the Free-Soil party comes out second best; it is no longer the third party. I have spoken a great deal, usually to large audiences and with a certain effect. As a necessary consequence I have been a mark for abuse. I have been attacked bitterly; but I have consoled myself with what John Quincy Adams said to me during the last year of his life: 'No man is abused whose influence is not felt.'"

But strive against it as he would, Sumner realized his isolation. He had no wife and no children to occupy his thoughts or afford him relaxation. His home was with his mother, who was growing old and lived very quietly. It was not convenient for him to entertain his friends there. In the years following his return from Europe, he had been a general favorite and was much sought for in society, and with his social disposition he had become accustomed to pleasure and relaxation. He was fitted to be a good fellow, was not ascetic in his tastes, enjoyed good fare and was not averse to a glass of wine. He was a good talker and having travelled much and read more could sustain his part in company. To feel that he was cut off from many of the homes where he had been so welcome before, bore heavily upon his sensitive nature. Riding one day in a carriage with Richard H. Dana, Jr., down Beacon Street, one of the centres of Boston's best social life, he said sadly: "The time was when there was hardly a home within two miles of this place, at which I was not a welcome guest. Now hardly one is open to me." Dana, too, had felt the burden of social ostracism, but being surrounded by an interesting family, it bore less heavily upon him.

The "Five of Clubs" was now little more than a memory.

Cleveland having died in 1843, Howe had taken his place, but its members, save Sumner, were all married and had families. They had no regular meetings. Each was absorbed with his own work; Howe with the Asylum for the Blind, Felton and Longfellow with their professorships. Hillard and Sumner occupied offices together at Number Four, Court Street; but there was a want of the old cordiality between them. Hillard had come under the influence of the Ticknors. But there had been no break. When he went to Europe, in 1847, he left his will with Sumner and wrote him an affectionate farewell, in which he referred to their happy relations of other years and admitting they had not been so cordial of late and had differed in politics, he begged Sumner not to remember it unkindly, that he had been subjected to other influences and, at most, it was only an honest difference of opinions, to which each was entitled. "I have never loved you the less," he added, and \* \* \* "I write these words for you to think upon in case we should never meet again." But upon his return Hillard took other offices. Sumner and Felton differed radically. Felton did not undertake to conceal his disapproval of Sumner's course in politics; and they parted.

One of the houses where Sumner had long been intimate was that of Nathan Appleton, a distant connection by marriage.

He was a wealthy merchant, the father-in-law of Longfellow, had repeatedly represented Boston in Congress and was a man of considerable influence. But he was an uncompromising Whig and ready to follow where his party led. He had been a loyal friend of Sumner till his controversy with Winthrop, but took offense at that and again at the statement in Sumner's speech at the organization of the Free-Soil party in Worcester in 1848, that Taylor's nomination had been the result of a conspiracy between the lords of the lash of Louisiana and the lords of the loom of New England. Seeing the drift of Sumner's course in the controversy with Winthrop and before, he had at first sought to win him back. "I have regretted," he wrote, "your course the last two years but more in sorrow than in anger. I have regretted to see talents so brilliant as yours and from which I had hoped so much for our country, take a course in which I consider them worse than thrown away." But after the Worcester speech, considering the reference to the "lords of the loom" to be partly to himself, he desired a retraction of it. He called upon Sumner to produce the proof to sustain such a charge; and he did. An acrimonious letter from Mr. Appleton followed, which terminated their friendship.

In defending the language of the Worcester speech, Sumner had referred to a conversation with Abbot Lawrence, at his house, before the Philadelphia convention, in which Mr. Lawrence had expressed himself to him as favorable to Taylor's nomination and had said that he did not think Webster could be nominated, or, if nominated, could be elected and had named other prominent Massachusetts Whigs, among them Nathan Appleton, who were of the same opinion; and that Mr. Lawrence had permitted and promoted the use of his name as a candidate for Vice-President on the ticket with Taylor, and all the while Webster was being held up as the candidate of the State for the nomination for President. During the campaign, Sumner had also made use in his speeches of a letter of Lawrence, who was a prominent manufacturer, another of the "lords of the loom" to prove that the tariff was not the cause of the existing depression in business. Lawrence had authorized The Atlas to say that Sumner had perverted the language of the letter and Sumner called upon him for an explanation. All this angered Lawrence and he wrote him a caustic letter, in which, without undertaking to give the explanation Sumner had asked, he proceeded to condemn Sumner's Worcester speech and his course upon the slavery question. "I could name," he wrote, "scores and scores of men whom you have honored your whole life who regret and condemn the course you have taken." And again, after the election, to an overture of Sumner for a renewal of their friendship, he wrote: "You and I can never meet on neutral ground. I can contemplate you only in the character of a defamer of those you profess to love, and an enemy to the permanency of the Union."

The evidence shows that Sumner was right in believing there was an arrangement among some of the Massachusetts Whigs to nominate Lawrence for Vice-President on a ticket with Taylor and thus ignore Webster, who was the ostensible candidate of the State. Lawrence was voted for, and it was thought would have been nominated, but for the defection of Henry Wilson and Charles Allen of the Massachusetts delegation, who, it will be remembered, both arose in the convention, after Taylor's nomination was announced and declared it did not represent the Whig party, and Allen added that he would do all he could to defeat the ticket. So John Tyler was nominated for Vice-President and Massachusetts got nothing. But after the election Lawrence was made Minister to England. I think, however, in this sweeping charge of disloyalty to Webster some men, like Rufus Choate were included who were entirely innocent. Webster felt his defeat keenly and the guilty

as well as the innocent regretted the incident. The discussion of it, however, was calculated to produce intense feeling and do little good.

Among others that it offended were the Ticknors. They were very loyal to Webster and hesitated to believe that any one in Massachusetts could be otherwise. They regretted that his last days were to be embittered by the thought that his friends were untrue to him. They were leaders in the society of Boston and exerted much influence in determining who were to be received in their set. Their loss was a severe one to Sumner. George Ticknor had been a professor in Harvard, was the author of a History of Spanish Literature, had travelled much and was wealthy. His wife was a brilliant woman. Both were fond of society and they entertained a great deal. Their home was the centre of the kind of society that Sumner enjoyed, where books and art and public men and measures were discussed and what was refined and gentle held sway. They united with others to carry politics into society. It so resulted that Sumner was almost banished from the social life of Boston for a number of years.

Feeling became so great that if he went into society, he was likely to meet with persons, who by turning their backs upon him, by cold looks and slighting remarks, often purposely loud enough for him to hear them, and by such other annoyances, made it so unpleasant that he did not care to go again. The young people of Boston at that time were accustomed, if they danced, or even if they did not, but enjoyed a social gathering, to meet at some public hall for an evening's enjoyment. But the social pressure became so great that Sumner gave this up too. Even when his friends invited him to smaller and more select parties, to avoid the unpleasant meeting of persons who would not speak, they were obliged to choose the company he was to meet, with care.

But party feeling, warm as it became, was not able to control the social life of some homes where Sumner was familiar. Notable among these was Longfellow's. Though Longfellow's wife was the daughter of Nathan Appleton, who had shown so much feeling towards him on account of his deflection from the beaten path, Sumner's habit of taking Sunday dinner at the Craigie House, their home in Cambridge, going thither after church and remaining for a social chat of two or three hours, suffered no interruption. The occupants of the Craigie House were far too high in their ideals to let a political difference control their friendships. Sumner continued, as before, to take his European friends, when in Boston, there to call,

and when they had invited company that they knew he would enjoy, they did not hesitate to make him one of the number. Through all the years their friendship continued the same, till terminated by death, and it impresses us still as one of the most beautiful friendships in history.

That with the Howes continued unbroken. They were in complete sympathy with Sumner's political course. And at their apartments in the Asylum for the Blind, Julia Ward, now Mrs. Howe, presided with the same grace that had exerted so strong a charm over Sumner's earlier years. There he found pleasant society to which he was always one of the most welcome. In her girlhood she was, it will be remembered, one of the "Three Graces", and the sentiment of those days, when the colors of life's picture were brightest, clung around her still with softening tints as the struggle became more stern and lonely to him. She was an accomplished musician and her husband's earlier career had been full of interest. Sumner delighted to spend an evening with them and thus break the solitude of his bachelor life.

The awakening of Sumner's taste for music belongs to this time of his life. He had resorted to the opera a good deal in earlier years, in company with his sister Julia. When cut off from society he found a new pleasure in it. It seemed, as he expressed it, as if he had found a new sense. He went very frequently and did not often let an opportunity go unimproved to hear a *prima donna*. He never became a musician himself, but he was very fond of music. In Washington, at any unusual musical entertainment, when his Senatorial duties would permit, his place was seldom vacant. It became a common source of recreation to him.

During the long winter evenings he plunged into his books and read late into the night. Some of his friends remonstrated that such hours, as he kept, must result in breaking down his health. But he confessed to them that he felt lonesome. They were happy in their homes with their wives and their families, while he was deprived of this source of pleasure. He admitted that he envied them the happiness they enjoyed. They rallied him about remaining single, and he enjoyed this raillery, in fact seemed rather to encourage it; but the old excuse remained, he did not think his income sufficient, his mother needed his company; and perhaps his thoughts wandered tenderly back to other days when, with a kindlier fortune, a happiness such as these nearer friends enjoyed might have come to him.

One of the homes he most enjoyed was that of George Bancroft, the historian. He was a Democrat and hence did not

have the feeling of his Whig friends, whose party was being split up with dissensions about slavery. It will be remembered that up to this time, the anti-slavery Whigs had been making combinations in Massachusetts with the Democrats so as to help one another with their elections. Bancroft and his wife were interested in the slavery discussions and were fond of Sumner. He frequently spent an evening at their house and watched the progress of the History of the United States, upon which Bancroft was engaged, reading the proofs of the volumes before their publication. He did a similar service for Longfellow and Prescott. Mrs. Bancroft was a kind, motherly woman to whom Sumner was much attached. But Bancroft went to Europe in 1846, as Minister to England. Sumner corresponded with them and enjoyed their letters. They cautioned him not to be too extreme in his political views and discussed them with his European friends, who were eager for news of him. But Sumner had in turn to correct the erroneous impressions of some of his English friends, which they seemed to have received from the Bancrofts.

Lord Morpeth wrote him not to be quixotic, even in so righteous a cause, and Sumner in answer wrote that his position was simply that "the Federal Government should make all legal and constitutional efforts for the removal of this monster evil," but he was careful to add, that he was not one of those who attacked the Constitution and the Union and would destroy both to destroy slavery. He reminded Morpeth that he was not in good standing with the Abolitionists, because he fell so far short of their views, but admitted that he could not see with complacency this curse unchecked in its career in his native land. He urged Morpeth to jar Prescott a little, who seemed to be so indifferent about it.

Morpeth did not enjoy letter-writing, yet he was still loyal to Sumner and seemed to take an almost brotherly interest in his success. But Sumner's correspondence with European friends was not so frequent as it had been. He had an occasional letter from Lady Montagu, who still maintained her kindly interest in him. Richard Cobden, Robert Ingham, Joseph Parkes, John Kenyon and Professor Whewell also wrote him occasionally from England; Professor Mittermaier and Dr. Julius wrote from Germany; George W. Greene from Rome, others as Earl Fitzwilliam and Earl Wharncliffe, commended their friends to him by letters of introduction, when they were about to visit Boston. They all showed their continued friendly interest, reminding him of their pleasure in his former visit and hoped he would come to Europe again. And he took pleasure

when they or their friends were in Boston in taking them to such homes of his friends as Longfellow's and Prescott's.

Prescott like Longfellow never allowed politics to interfere with his friendship for Sumner. But, unlike Longfellow's, his view differed radically from Sumner's. He belonged to the intensely conservative class then numerous in Boston and, indeed, generally in the North, who while admitting slavery was wrong, still insisted it was none of their business, that it belonged to the South and it was her duty to destroy it, that the North had suffered too much disturbance on account of it already. Prescott and Longfellow both had summer homes, out of the city and Sumner was in the habit of visiting at both. He and Prescott occasionally took a trip together—to Washington and to New York. Prescott being unable to write by reason of his defective sight, Sumner then acted as his secretary. Their relations were too pleasant to be disturbed by politics, for which Prescott confessedly cared little.

And some, other than Sumner's literary friends, refused to participate in the disposition to cut him for his politics. Of these was William Kent, the son of Chancellor James Kent of New York. They appreciated him for other reasons and would not let this one flaw, as they considered it, destroy their appreciation of so much beside, that they saw good in him. Kent was for two years after the death of Judge Story, a lecturer in the Harvard Law School, the place Sumner had once coveted; and while there he and Sumner had formed a lasting friendship. He left Cambridge in 1847, but continued to correspond with Sumner. He called him, in one of his letters, his "warm-hearted, but politically considered, most erring friend," admitted the generous and noble motives in his career and tried to reclaim him to the Whigs. But Sumner was not to be reclaimed. He was too firmly convinced he was right and felt hurt that Kent should have thought so lightly of his convictions.

Kent answered: "Rightly considered, what I wrote was proof of esteem, like Parson Thwackum's birching of Tom Jones. Had you been an ordinary philanthropist, a common abolitionist, a mere ranting patriot, like some of your friends, I should never have troubled myself about you. \* \* \* Now, my dear Charlie, believe that you have a most affectionate friend in me. I will fret and carp no more. Ride your hobbies all over the *côte gauche*. I will get out of the way when the fit is on you, and always be, yours truly and faithfully."

It argues something for Sumner's decision of character that he was able to see one friend after another drop away from

him, or criticise his course as wrong, and still go calmly on to the accomplishment of his great purpose, sinking all thoughts of himself and of his own comfort, in the attainment of what he had dedicated himself to accomplish. He loved the society of his friends and he was sensitive to the slights that were thrust at him, but he was bent on doing his duty as he saw it, and for this he was willing to put aside other considerations, waiting for a later time to bring him the plaudit that he thought would follow. "To the motto on my seal, '*Alteri saeculo*'," John Quincy Adams had written him, "add, *Delenda est servitus*". Unlike Adams, Sumner lived to see the service for *another generation* become the work of his own.

While Sumner lost many friends, by his political course he also gained some new ones. It brought him into close relations with John Quincy Adams, whose warfare for freedom was drawing to a close. He had retired from the Presidency in 1829, sixty-two years of age, a time in life when most men consider their life work done and their laurels gathered. But Adams the next year accepted a seat in Congress and there for eighteen years he worked out the greatest part of his career. He had occupied the highest office in the gift of his country, his fame was secure, his position with his constituents in the Quincy District was also secure and so without ambition and without fear, the Scylla and Charybdis of so many political careers he was left, with great ability and with unparalleled industry to devote himself to the anti-slavery cause. It can truly be said that no slave-holder ever held the whip over him. His attention was first attracted to Sumner by his oration on "The True Grandeur of Nations". But it was after Sumner enlisted in the anti-slavery cause that they became intimate. From that time to the close of his life, Sumner saw and conversed with him frequently, during the vacations of Congress, when at his home in Quincy.

Some of this intimacy was brought about by Sumner's associations with his son, Charles Francis Adams. He was four years Sumner's senior. They had known each other for a long time but their intimacy sprang from their activity in the anti-slavery campaigns. They, with others, had purchased a Boston newspaper, *The Whig*, that they might have a means of reaching the public. The editing of this paper brought them much together. Sumner was a frequent contributor and the controversy with Winthrop, on his part, was carried on through its columns. In the absence of Adams, Sumner was its editor. They were thus brought closely to-

gether and a similarity of tastes resulted in a lasting friendship and compensated Sumner for the loss of other friends. It was fruitful of great results to both. Adams was instrumental in placing Sumner in the Senate; and it was largely on Sumner's recommendation that Adams became Minister to Great Britain, during the Civil War, in which position he gained a lasting fame. The Adams family was the most prominent one in Massachusetts and while not distinguished for some popular traits, their marked ability, their industry and their sturdy honesty, with the prestige of their history, made their influence at the time an important one.

Another friend who came to Sumner in the same way was Henry Wilson. This friendship too was lasting. From 1855 to 1873, Wilson was Sumner's colleague in the Senate. From a poor boy, the son of a farm laborer, apprenticed first to a farmer and then to a shoemaker, by name Jeremiah Jones Colbait, which he had changed to Henry Wilson by the Legislature, he arose through successive grades to the second place in the Republic. He was elected Vice-President on the ticket with Grant. He had been a member of the Legislature and a State Senator and was now one of the foremost champions of the anti-slavery cause. He had gone out of the convention, offended at the nomination of Taylor and promptly joined the Free-Soil Party and became Chairman of its State committee, in 1849, to succeed Sumner. He was the editor of a Free-Soil paper, the Boston Republican, from 1849 to 1850, and in 1851 he was the unsuccessful candidate of the party for Congress and in 1853 the unsuccessful candidate of his party for Governor. The mere statement of these facts shows how close his course lay to Sumner's and how firm their friendship was.

Prominent among Sumner's new friends should be mentioned Joshua R. Giddings, for twenty years the Representative in Congress of the North-east Ohio district and next to John Quincy Adams, the greatest early champion of Freedom in the House. Adams had said to Sumner, as he lay on his sick bed in Quincy, after he was stricken with the paralysis that later, at Washington, closed his life, that he looked to Giddings with more interest than to any other member of the House. Sumner had sent Giddings a copy of his oration on "The Scholar, the Jurist, the Artist and the Philanthropist." Giddings acknowledged it in a complimentary letter, the first that passed between them. Sumner met him first, at the convention to organize the Free-Soil Party, held in Worcester in 1848, where they both spoke and again when Giddings came to Boston to

attend the funeral of John Quincy Adams. It is a curious fact that ostracism on account of his political creed was carried so far in the House, that Giddings was denied a place on the Congressional committee to attend the remains of his venerable colleague to their last resting place, though they had together, bravely and almost alone, for many years, borne the storm of the unpopularity of the anti-slavery cause in the Capitol. But he went privately to pay his debt at the grave of his friend. From this time until Gidding's death in 1864, he and Sumner, when not together in Washington, maintained a cordial correspondence. Until his election to the Senate, Sumner relied on him for information of what was transpiring at Washington and asked his advice about political movements at home.

Such were some of Sumner's more intimate new made friends, but by no means all of them. He was also making a wide circle of acquaintances in his campaign work, among the members of his party, in the places where he spoke; and his chairmanship of the State Committee of the Free-Soil Party in 1848, contributed largely to the same result. He had thereby of necessity become acquainted with the leaders of his party in every county of the State. This acquaintance was often slight, but such persons coming to Boston, frequently dropped into his office and a passing acquaintance often ripened into a lasting friendship. Such anti-slavery men as resided in Boston often brought him business, as well as their good will. It was so in the case of the Adams family.

But, generally speaking, his politics did not contribute to his professional success. Clients who furnish the most business are not usually much engaged in politics, especially politics of his kind, that furnished no material advantage and was besides unpopular. They could easily see that Sumner's thoughts were not absorbed with his law office and he did not get the business because they thought it would not receive his best attention. With feeling running against the anti-slavery men in Boston, some thought to gratify their dislike, by inaugurating a systematic boycott against the members of the unpopular party. They withheld from them their own business and sought to influence others to do likewise. The prominence of Sumner in the party, made him a shining mark for their dislike. His professional income at this time was not more than sufficient for his own personal expenses, and they were moderate,—only the ordinary expenses of an unmarried attorney, with a modest office and a summer's vacation.

Sumner devoted much of his time in 1850 to an edition of

his Speeches and Addresses which was published in Boston in two volumes. A third volume, of more recent addresses, including his speech on the Crime against Kansas was issued in 1856. Before their publication he made a careful revision of them.

## CHAPTER XVIII

THE COMPROMISE OF 1850—WEBSTER'S SEVENTH OF MARCH SPEECH—THE ELECTION—COALITION OF FREE-SOILERS AND DEMOCRATS—SUMNER A CANDIDATE FOR SENATOR—THE LONG CONTEST—SUMNER ELECTED—HIS ACCEPTANCE OF THE OFFICE

THE year 1850 was an eventful one for Massachusetts. Henry Clay had been returned to the United States Senate, in the hope that he might present some measure that would pacify the constantly rising animosity between the North and the South and he again established his right to be called “the great pacificator”. The territory that we had acquired by the war with Mexico and out of which the South had hoped to gain more slave states had proved a disappointment to that section. The discovery of gold in California had caused a large influx of population, mostly from the North into this part of the newly acquired territory. It was now seeking admission with a constitution prohibiting slavery. This had angered the South. Clay introduced a series of resolutions to pacify this feeling. They provided for the admission of California, without slavery, and as the North had been insisting upon the prohibition of slavery in all the territory acquired from Mexico, a second resolution provided governments for this territory without prohibition or permission of slavery,—a concession to the South. Another concession to the South was the allowance of \$10,000,000 to Texas in aid of the payment of her debt. As a counter concession to the North, the slave-trade,—the buying and selling but not the holding of slaves—was to be prohibited in the District of Columbia. As an offset to this, a law for the apprehension of fugitive slaves was to be enacted. As proposed, it had two provisions in it that were especially obnoxious to the North; first, it provided no trial by jury of the right of the alleged slave to his freedom, and, second, it allowed the U. S. commissioner, who had the sole power of deciding upon his right to freedom, a fee of Ten dollars in case of a conviction and only Five dollars, if freed, thus offering the judge a bribe for conviction.

At the beginning of the session Robert C. Winthrop, of Boston was defeated, as has been mentioned in his race for the

Speakership of the House by Howell Cobb, of Georgia. Cobb was elected by a plurality, but not by a majority of the vote cast. This was the first time that a speaker had been so elected; and, by anti-slavery men it was regarded as another encroachment of the South. As the Session wore away the people watched with new interest the debate on the compromise measures. One after another of the leaders of the section had spoken,—Clay and Cass, Benton and Douglas, Jefferson Davis and R. M. T. Hunter, John P. Hale and William H. Seward, Thos. Corwin and Salmon P. Chase. These were great men and they have a permanent place in history. One incident gave the debate in the Senate a dramatic interest. John C. Calhoun, the veteran champion of the South was passing away. He prepared his last set speech, on these resolutions and attempted to deliver it on March fourth, but his strength failed and he had to have it read for him. Within a month he was dead.

New England waited for the voice of Daniel Webster. She had waited for it often, to lift her head in triumph after he had spoken. He had never spoken otherwise than for freedom, from the time when he had bid the distant generations hail and farewell at Plymouth Rock and hurled his bolts at the South in his reply to Hayne, down to this hour. He was by conviction and training a religious man. Some of the most effective passages in his orations had been spoken when he paused in the course of his argument to make some graceful acknowledgment of the obligations of religion and of the wisdom and goodness of God. Once, at least, in the Girard Will case, he had appeared as the champion of the Christian ministry and his argument had become a classic. How could New England believe that he would now prove false to these pledges! First came intimations that he was hesitating in his lifelong course, that he was dallying with slavery and that he was not right upon the Compromise. The few who heard the report did not believe it. But on the seventh of March, 1850, he delivered the speech that has ever since been known by the date of its delivery and has made that day memorable. While from a literary standpoint, it is one of the least interesting of all his speeches, the reproach it has brought upon its author has made it one of the best known. The worst fears of the friends of freedom were realized.

The speech coming from some of the extreme pro-slavery men of the South would not have attracted attention. But Webster had deliberately said that all Christendom was "bound by everything which belonged to its character and to the character of the present age, to put a stop to this inhuman

and disgraceful traffic." How could New England believe that Daniel Webster who had spoken so decidedly upon this question and who had never abated one jot of his deliberately formed opinion would now say:

"There are thousands of religious men, with consciences as tender as any of their brethren at the North who do not see the unlawfulness of slavery, and there are more thousands, perhaps, that, whatsoever they may think of it in its origin, and as a matter depending upon natural right, yet take things as they are, and, finding slavery to be an established relation of society in which they live, can see no way, in which, let their opinions on this abstract question be what they may, it is in the power of the present generation to relieve themselves from this relation. And candor obliges me to say, that I believe they are just as conscientious, many of them, and as religious people, all of them, as they are at the North who hold different opinions."

In this same speech, he said: "I wish it to be distinctly understood that according to my view of the matter, this Government is solemnly pledged, by law and contract, to create new States out of Texas, with her consent, when her population shall justify and call for such a proceeding, and, so far as such States are formed out of Texas territory lying south of  $36^{\circ} 30'$ , to let them come in as slave States. That is the meaning of the contract which our friends the Northern Democracy, have left us to fulfil; and I for one mean to fulfil it, because I will not violate the faith of the Government."

He then proceeded to prove the proposition that all the territory of the United States was irrevocably fixed as free or slave,—part of it by the pledge of the Government in its previous compromises and part of it by the laws of physical geography which would prevent slave labor from being profitably employed in such hilly and mountainous territory, as California and New Mexico. It was in this connection that out of deference to the feelings of the South whom it might offend he declared that if "a proposition were now here to establish a government for New Mexico, and it was moved to insert a provision for a prohibition of slavery, I would not vote for it." Such passages as this were calculated to astonish his constituents in New England, where they had not yet reached the conclusion that the whole of their country had been irrevocably partitioned between slavery and freedom.

But when he turned from these things to criticise the whole North, because she did not sufficiently bestir herself in the business of hunting down and returning fugitive slaves to

their former masters and “insisted that the South had been injured in this respect and the North had been too careless,” the surprise of New England was still greater. It was only equalled when he proceeded a little further on to criticise the legislatures of the North for memorializing Congress on the abolition of slavery in the District of Columbia and the States; and emphatically said he “should be unwilling to receive from the Legislature of Massachusetts any instruction to present resolutions expressive of any opinion whatever on the subject of slavery as it existed at that moment in the States.” He went out of his way in the course of his argument to compliment Hillard, Sumner’s former law-partner, for opposing such resolutions in the Senate of Massachusetts.

His next attack was upon the Abolition Societies. “He did not think them useful. He thought their operations for the last twenty years had produced nothing good or valuable.”

These were strange things for Daniel Webster to say. His Boston—his ever faithful Boston—was ready to follow him even to this length. But the balance of the State would not. By a very large majority, the newspapers of the State, outside of Boston, condemned the speech. In Boston the Whig papers were still loyal to him. It was estimated that only six out of seventy of the newspapers of New England approved the speech. About the same proportion of the people were against it. His admirers still seeking as of old, to show their loyalty to him, sought by circulating memorials, approving its doctrines, to stem the popular tide against it. These memorials when presented to him, drew forth a series of letters in answer to them, that confirmed the people in their belief in his apostacy and in their judgment of the speech. Daniel Webster no longer represented Massachusetts. Proud as his position had been in the confidence of her people he had forfeited it. So far they would not go even with him. He doubtless felt all he said of the dangers of the further agitation of the slave question to the Union whose preservation had been the cherished object of his political life; but he had grown old and somewhat out of touch with the public and this sentiment of fear for the Union, for which, in his childhood, he was taught his father had toiled, through the fire and blood of a seven years’ revolutionary war and which he shrunk from no danger and no hardship to serve, and to which he had dedicated so much of his own labor through so many years now drawing to their close, had grown out of its due proportion. The history of the years from 1861 to 1865 has indeed proved how well his fears were founded. But fear for the Union had ceased to have its former

power with younger men now coming to control. They had made up their minds to heed it no longer, but to be true to their consciences and bear what came. They felt that too much had been yielded already to slavery and that the North could go no farther without a sacrifice of its manhood.

The sands of Webster's term in the Senate were fast running out. The Legislature was to be elected this year that would choose his successor. With all the effort his friends were making to prepare the way for his re-election, he doubtless saw that his return would be doubtful and was glad to escape the trial by accepting the position of Secretary of State in Fillmore's cabinet, where his lately expressed opinions were not unpopular.

The election came and Webster's worst fears were realized. The Whigs were defeated. The part Sumner took was much the same as in the two previous campaigns. The demand for him as a speaker continued to grow with his increasing fame. The Free-Soil and the Democratic parties united upon candidates for the Legislature and for Congress, in all the counties of the State except Middlesex. The result was a victory for the combination, giving them a majority of ten over the Whigs in the Senate and a majority of fifty-four in the House. There was much rejoicing at the result. It was fairly regarded as a rejection of the Compromise and of Webster's speech. True, by retiring before the storm into Fillmore's cabinet, he was not a candidate, but Robert C. Winthrop had been appointed his successor by the Governor, at Mr. Webster's suggestion, and had entered the Senate in time to vote for the Compromise. The Free-Soilers at once took up the gage thus thrown down and freely insisted that he stood for all Webster did and that a vote against him was a vote against the Compromise and Webster and his views on the slavery question. It is certain that without the indignation aroused by the Compromise and by Webster's abandonment of his lifelong convictions upon the slavery question, the result would not have been possible.

The consequences were not less far-reaching. Without the election resulting as it did, no way would probably ever have opened for Sumner to enter the Senate. He might have been known among scholars as an accomplished orator and he might have had a permanent place as the author of some historical work; but this would have been far short of the fame he gained in his seat, in the Senate, by his efforts against slavery. What his loss might have been to the country is harder to measure. Whether the country was ripe for the changes he did so much to bring about and whether, if he had not, others would have reaped the same fields, may fairly be questioned. Others were

there before him and still others came afterward to the Senate to represent the same cause; but faithful as they were and much as they accomplished, they lacked the fearless and aggressive leadership of Sumner. Without these qualities being developed in some one else, the same help of the Senate at least would have been wanting in the days of struggle.

What attracted especial attention to Sumner and probably made him the choice of his party for Senator was his speech on "Our Immediate Anti-Slavery Duties" delivered at a Free-Soil meeting, held in Faneuil Hall a few days before the election of 1850. The Fugitive Slave Law had only recently been enacted and its provisions were imperfectly understood by the public. Sumner's speech was the first discussion of it before the people. It was an earnest and emphatic denunciation of the provisions of the law and it was Sumner's purpose by the speech to render it so odious and awaken such a feeling against it as to make its enforcement in Boston impossible. The speech touched a popular chord and aroused immense enthusiasm. The audience at its close proposed and gave, with a will, three cheers for Charles Sumner. It is more popular in its tone, more direct and emphatic in its purpose and is more spontaneous,—smells less of preparation, than any of his other speeches.

After expressing his approval of the combination of Free-Soilers with the Whigs to elect Mann and Fowler to Congress and with the Democrats, in the senatorial and legislative districts, to secure control of the State Legislature, he congratulated them on the admission of California as a State, with a constitution prohibiting slavery and the abolition of the slave trade in the District of Columbia. He then proceeded to discuss the Fugitive Slave law. He insisted that, denying the person apprehended a trial by jury, it was unconstitutional; that it was also unconstitutional because of the unprecedented and tyrannical powers it conferred upon the petty office of U. S. commissioner, providing him a fee of Ten dollars for a conviction and only Five dollars for an acquittal of the prisoner, virtually offering a bribe to the judge. It permitted him to convict the prisoner and consign him to perpetual bondage, upon mere *ex parte* affidavits, taken, perhaps, in a distant state, so as to deny the accused the right to face and cross-examine the witnesses produced against him. Sumner significantly said, that, while he was a commissioner, himself and might be called upon to sit in such a case, he could not forget that he was a *man*, although he was a commissioner, and that he would not dishonor the home of the Pilgrims and of the

Revolution by admitting,—nay, by believing that this bill would be executed in Massachusetts. He invoked an irresistible public opinion to prevent it and to prohibit any slave-hunter from ever setting his foot in the Commonwealth.

It was a powerful arraignment of the law, into which the speaker threw his whole force. "And yet," he said, "in the face of these enormities of legislation,—of Territories organized without the prohibition of slavery, and of this execrable Fugitive Slave Bill" (he refused to call it a *Law*) "—in the face also of slavery still sanctioned in the District of Columbia, of the Slave Trade between domestic ports, under the flag of the Union, and of the Slave Power still dominant over the National Government, we are told that the slavery Question is settled. Yes, settled,—settled,—that is the word. *Nothing, sir, can be settled which is not right.* Nothing can be settled which is contrary to the Divine Law. Nature and all the holy sentiments of the heart repudiate any such false, seeming settlement."

"Amidst the shifts and changes of party, our *Duties* remain, pointing the way to action. By no subtle compromise or adjustment can men suspend the commandments of God. By no trick of managers, no hocus-pocus of politicians, no mush of concession, can we be released from this obedience. It is, then, in the light of duties that we are to find peace for our country and ourselves. Nor can any settlement promise peace which is not in harmony with these everlasting principles from which our duties spring."

He demanded the immediate repeal of the Bill, the abolition of slavery in the District of Columbia, the prohibition of it in the Territories, the refusal to receive into the Union any new slave States, the abolition of the slave trade on the high seas and the exercise of all its constitutional powers by the National Government to relieve itself of *its* responsibility for slavery everywhere. And he insisted that the slave *Power* be overturned and the National Government be put openly, actively and perpetually on the side of Freedom. He demanded that this *Power*, which in the game of office and legislation, had always won should now be suppressed.

He emphatically said, as to the men to be chosen for office: "Admonished by experience, of timidity, irresolution and weakness in our public men, particularly at Washington, amidst the temptations of ambition and power, the friends of Freedom cannot lightly bestow their confidence. They can put trust only in men of tried character and inflexible will. Three things at least they must require: the first is *backbone*; the second is

*backbone*; and the third is *backbone*. My language is homely; I hardly pardon myself for using it; but it expresses an idea which must not be forgotten. When I see a person of upright character and pure soul yielding to a temporizing policy, I cannot but say, *He wants backbone*. When I see a person talking loudly against slavery in private, but hesitating in public, and failing in the time of trial, I say, *He wants backbone*. When I see a person who co-operated with anti-slavery men and then deserted them, I say, *He wants backbone*. When I see a person leaning upon the action of a political party and never venturing to think for himself, I say, *He wants backbone*. When I see a person always careful to be on the side of the majority and unwilling to appear in a minority, or, if need be, to stand alone, I say, *He wants backbone*. Wanting this they all want that courage, constancy, firmness, which are essential to the support of principle. Let no such man be trusted."

"For myself, fellow-citizens, my own course is determined. The first political convention which I ever attended was in the spring of 1845, against the annexation of Texas. I was at the time a silent and passive Whig. I had never held political office, nor been a candidate for any. No question ever before drew me to any active political exertion. The strife of politics seemed to me ignoble. A desire to do what I could against slavery led me subsequently to attend two different State Conventions of Whigs, where I co-operated with eminent citizens in endeavor to arouse the party in Massachusetts to its anti-slavery duties. A conviction that the Whig party was disloyal to Freedom and an ardent aspiration to help the advancement of this great cause, has led me to leave that party and dedicate what of strength and ability I have to the present movement. To vindicate Freedom and oppose Slavery so far as I may constitutionally,—with earnestness, and yet I trust without unkindness on my part,—is the object near my heart."

At the time of the coalition between the Free-Soilers and the Democrats for the election of a Legislature, there was an understanding between them that the Democrats, in case of success, should have the state officers to be elected and the Free-Soilers should have the Senatorship. No names were, however, decided on for the offices. The candidates were to be chosen later, by the respective parties. Earlier in the campaign several names were mentioned for the Senatorship, Stephen C. Phillips, Sumner, Charles Francis Adams. The first was this year, and had been in 1849, the unsuccessful candidate of his party for Governor, and felt that the honor should have come to him. After Sumner's nomination he wrote to him pathetically, "I re-

joice in the conviction that this, while it is the severest is the last of my political trials and though it is far from being such a close of a public career as is desirable I derive satisfaction from the thought that your race begins, where mine ends, and that a high destiny awaits you." It was the sad confession of failure in the career he had coveted and makes his seem like the lives of so many good men in politics, who have deserved a better fortune than came to them. Adams did not expect the Senatorship. He and Palfrey had not entered heartily into the movement for a combination with the Democrats, as Sumner had, and hence could not expect a favorable consideration. Adams, besides, had been prominent as a Whig before he joined the Free-Soil movement and was on that account still more unacceptable to the Democrats now. Sumner had never been much of a Whig and the little part he had taken in their councils, was to advance the anti-slavery cause. He had never held an elective office. As the campaign progressed, the choice for Senator tended more and more to Sumner. After his Faneuil Hall speech, there was little mention of any one else.

He had never regarded himself as a candidate. The first information he had, of a fixed purpose on the part of others to so consider him, came to him through a note, left at his door, by Seth Webb, Jr., the morning after the election, telling him the result and adding: "You are bound for Washington this winter." Whittier had met him before this during the summer, at Lynn, and one evening as they loitered by the sea, had predicted the success of the combination and that he would be the Senator. Sumner had told him that he did not think it possible, that there were others better fitted for it, and besides, that he did not especially desire it, that his ambition lay in other fields. But Whittier urged him not to forbid the use of his name as a candidate, insisted upon his peculiar qualifications and predicted a large future for him if elected. Years after, at the close of one of Sumner's fiercest struggles in the Senate, in a poem addressed "To C. S.," Whittier reminded him of this prediction.

After the result of the election was fully known and the control of the State was found to have come into the hands of the coalition, the trend of public opinion continued steadily towards Sumner for Senator, without any effort of his friends to work it up. There came to be a conviction, with the public, of his fitness to represent the general feeling of the State upon the new issues. "I think," one of the leaders wrote him, "you are nearer my ideal of a Free-Soiler of this time than anybody else; so does the whole Free-Soil heart of New England. And

you may depend that the actual triumph of just such a man as you are will give a heavier blow to the conspirators against Freedom and do more to fortify the general trust in the ultimate ascendancy of uncompromising right, than that of any other living being. You cannot escape from your position."

Charles Francis Adams wrote him from Washington, of the difficulties as he saw them, of an alliance with the Democrats, but added: "If our friends decide to risk themselves in that ship, I trust we may get a full consideration for the risk, and the only full consideration that we can receive is in securing your services in the Senate. If anything can be done with that iron and marble body, you may do it. You know how hopeless I think the task."

Adams was at the time Sumner's most intimate political friend and, in replying Sumner wrote fully and frankly his feelings upon the Senatorship: "I appreciate your generosity and am proud of your confidence. I am not entirely insensible to the honor that post would confer, though I do not feel this strongly, for I have never been accustomed to think highly of political distinction. I feel that it would to a certain extent be a vindication of me against the attacks to which in common with you and others of our friends, I have been exposed. And I am especially touched by the idea of the sphere of usefulness in which it would place me. But notwithstanding these things I must say that I have not been able to bring myself to desire the post or even to be willing to take it. My dreams and visions are all in other directions. In the course of my life I have had many; but none have been in the United States Senate. In taking that post I must renounce forever quiet and repose; my life henceforward would be in public affairs. I cannot contemplate this without repugnance. It would call upon me to forego those literary plans and aspirations which I have more at heart than any merely political success. Besides, even if I should incline to this new career, there are men in our ranks, my seniors and betters, to whom I defer sincerely and completely. Mr. Phillips by various titles should be our candidate. If he should be unwilling to take the place, then we must look to you. In seeing you there I should have the truest satisfaction. You are the man to split open the solid rock of the United States Senate. I shrink unfeignedly from the work. For this I have never 'filled my mind.'"

Sumner maintained this position to the close of the contest. It had no purpose of self-seeking with him. The cause was everything and he insisted even with his own prospect of the office before him, that the promotion of that must be kept

steadily in view and whoever could best serve it, ought to have the place. He mistrusted his own fitness for it and he did not believe he should fill it, if he could not fill it best. He steadily refused to seek the place before his nomination by the caucus. Others must determine the question of his fitness. But after he had been chosen by the caucus and his success thus became welded to that of the cause, he met with his supporters several times in council and discussed plans with them and received and made suggestions and did what he could to promote their success. But when the contest was protracted and his success seemed doubtful, he urged them whenever they pleased, and without consulting him, to abandon the effort to elect him and unite on any one else whose prospects were better. His course showed the absence of self-seeking and the ideals with which he entered public life. The sequel will show that he maintained them to the close.

The letters he received from anti-slavery friends in other States helped to confirm him in his determination to stand for the place. Chase and Giddings both wrote him from Washington, insisting that he could not refuse to be a candidate and reminding him of the pleasure it would give the friends of Freedom to see him in the Senate. John Jay wrote from New York: "I trust most sincerely you are to occupy the seat which Webster, in bygone days has filled so worthily, but where in the hour of temptation, he betrayed the Commonwealth which had trusted and honored him." Joshua Leavitt also wrote him from New York that he wished for his election both for his own sake and that of the cause, that it would be, "a worthy rebuke of cotton arrogance pronounced in earnest and sealed by action in the name of the good old Commonwealth." Other letters from other States also showed that Free-Soilers were disposed to treat his candidacy as the test of the strength of the opposition to the cringing attitude of Northern statesmen, to the South. Upon this issue Sumner was already firmly committed. His dissent from the recent course of Webster in his seventh of March speech was a familiar illustration.

At the election held in Massachusetts, in November, 1850, none on the State tickets were elected. The constitution then required the successful candidates to have a majority of all the votes cast, a mere plurality not being, as now, sufficient. In case of the failure of the people to elect, it devolved upon the Legislature to make a choice from the three candidates for the office who at the general election had received the highest number of votes. The Free-Soilers and the Democrats having together a majority and having formed a coalition controlled

the Legislature. It was agreed by them that the Democrats should have the Governor, State Treasurer and the United States Senator for the short term,—the balance of Webster's term, expiring March fourth, 1851, and that the Free-Soilers should have the United States Senator for the next full term. This gave the control of the State Government to the Democrats. It was left to the respective parties, to determine whom they would nominate for the offices assigned to them, the other party agreeing to unite in electing them. Henry Wilson, Free-Soiler, was chosen President of the Senate, and N. P. Banks, Democrat, Speaker of the House.

At a caucus of the Free-Soilers held on January seventh, 1851, Sumner was unanimously nominated for Senator for the long term. E. L. Keys, in communicating the result to him, wrote: "We have sworn to stand by you, to sink or swim with you, *at all hazards*. If you shall fail us in any respect, may God forgive you:—we never shall." The Daily Commonwealth, the organ of the Free-Soilers in speaking of the reason for this selection for Senator, said: "Mr. Sumner was selected as the candidate for the Senate, because, while true as the truest to Free-Soil principles, he was supposed to be less obnoxious than any other prominent Free-Soiler in the State to the Democratic party. He was never identified with any of the measures of the Whig party, except to sustain the sentiment, not of the Whig party alone, but of Massachusetts, against the annexation of Texas and the Mexican War."

After the nominations were made, the Legislature proceeded to a choice, electing George S. Boutwell, Governor; Henry W. Cushman, Lieutenant-Governor and Robert Rantoul, Senator for the short term, all Democrats, according to the previous agreement. On the fourteenth of January, the House voted for Senator, for the long term; whole number of votes, 381, necessary to a choice, 191, Charles Sumner 186, R. C. Winthrop 167, scattering 28, blanks 3. A second ballot was taken the same day, with the same result. Sumner had all the Free-Soil votes, 110, and 76 Democratic votes. The Free-Soilers insisted that they had taken the candidates of the Democrats without pledge and without question and that having selected their own candidate, they would never desert him. On January twenty-second, the Senate elected Sumner: whole number of votes 38, necessary to a choice 20, for Charles Sumner 23, for Robert C. Winthrop 14, for Henry W. Bishop 1. The only question that now remained was, whether Sumner could get enough votes in the House to elect him.

The anger of the Free-Soilers at their desertion by the House

Democrats was hardly concealed. They had carried out, to the letter, the arrangement on their part, and at the crucial point, they had been deserted by their Democratic allies. Some were for renouncing all farther communication with them and arranging for an alliance with the Whigs to run the Democrats out, the next year; others were for the resignation of every fruit of the alliance thus far gathered by the Free-Soilers; others still were for demanding of Governor Boutwell and his Democratic colleagues the surrender of the offices they had acquired by the coalition. But the more sturdy leaders, with cooler heads and greater steadiness of purpose, like Henry Wilson, were determined not to break with their allies, but hold them to their promises and meanwhile insist that they had made choice of their candidate and would adhere to him, to the end, and would have no other. They knew that all their allies were not unfaithful and that those that were steadfast, ought not to be charged with the faults of the faithless. These counsels finally prevailed and for more than three months, they steadily refused to hear any proposition of surrender or compromise. They freely said and firmly insisted that Sumner was their first, last and only choice.

The ballots were taken, sometimes more than one on the same day and sometimes with intervals of weeks. There were twenty-six in all, in the House. Sometimes Sumner was within one vote of an election and again he lacked as many as twelve. As the contest dragged its weary length along, both sides became tired of it, but neither would yield. The Free-Soilers felt that they were only asking their right and that having chosen their candidate, with due reference to his acceptability to the Democrats, they ought not to yield. The "Hunker" Democrats, or "Indomitables," as they were called, who had thus far refused to vote for Sumner, saw the folly of their position and that they ought not to have taken it, but did not like to recede. They offered to compromise on any other man and named Wilson. He promptly declined.

The opposition among the Democrats was led by Caleb Cushing. He had been present at the caucus of his party and had voted to abide by the candidate for whom two-thirds would vote. Sumner having received more than that number, Cushing had then joined another caucus called to oppose his election on the ground that the choice of so pronounced an anti-slavery man would injure their standing with the national organization of their party. He called Sumner "a one-ideaed abolition agitator." Later in the canvass, when his followers faltered and Sumner's election seemed probable, he sought to escape

from his position by asking of him a pledge that, if elected, he would not give undue prominence in the Senate, to the slavery question. But Sumner declined to give any such pledge and also declined to have any communication with Cushing about politics.

To a friend who asked him to write something he could use to quiet the charge that he was a Disunionist, Sumner wrote "You know well that I do not seek or desire any political office, that I am not voluntarily in my present position as candidate, and that prescribing to myself the rule of *non-intervention*, I have constantly declined doing anything to promote my election, and have refused pledges or explanations with regard to my future course beyond what are implied in my past life, my published speeches and my character."

The *Whig* papers did everything they could to aid their party, in the Senate and House, to prevent his election. They hurled almost every epithet at the coalition of the Democrats and Free-Soilers and insisted that such a bargain and sale of the offices as had been made was an indictable offence and ought to be so punished. They published extracts from Sumner's speeches, prominently printed with hostile comments, almost daily. His speeches were charged with being "*treasonable*" and himself as being a "*disunionist*". The Whigs believed that if an election could be prevented, by this Legislature, the next year would enable them to recover the State and choose a Senator from their own party and part of their plan was to encourage the House to hold out in its opposition to Sumner. Even the Democratic press was not friendly to him. The editor of the Times called upon him and asked him to modify some of his utterances on the slavery question, especially in his recent Faneuil Hall speech, on "*Our Immediate Anti-Slavery Duties*." This he declined to do. The editor then asked him how he would like to have that speech printed, so that it might be read by the members of the Legislature. Sumner replied that nothing would give him greater pleasure. It accordingly appeared the next day in the Times, with this comment:

"Mr. Sumner avows that what is called his Faneuil Hall speech contains his calm, deliberately formed, and well matured opinions—opinions by which his actions would be governed in the event of his election to the office of United States Senator. \* \* \* We hope that every Democratic member of the Legislature will read the speech of the man for whom they are asked to vote, and then consider whether it is not their duty to vote for some other person."

The Commonwealth, the Free-Soil organ, then printed it with

the defiant introduction: "We treat our readers to-day to the noble speech of Charles Sumner at that great "*"treasonable"*" meeting in Faneuil Hall. We are proud of it and of the man who made it. We give it as it was reported by Dr. Stone for the Traveller, and as it was copied into the Times. The apologists for slavery have heaped abuse on Mr. Sumner for this speech, and garbled it to serve their base purposes; but here it stands. Not a glorious word of it shall be rubbed out. We ask any member of the Legislature, whatever may be his polities or party, as a man, as a son of New England, and as an admirer of Washington, Jefferson, Patrick Henry, John Hancock and Samuel Adams, to read this speech, and tell us how he can do a better thing than to vote for its author next Wednesday. Here you have the intellect and heart of a man—a man for the times, a man for Massachusetts!"

A little later, closing an appeal to the Free-Soilers to stand firmly by their choice, the Commonwealth said: "One peculiarity attending this election is, that it involves a true issue of principle. \* \* \* The election of such a man as Charles Sumner in the room of such a man as Daniel Webster may be construed to be quite as much a complete disavowal of the late conduct of the one as a sanction of the system advocated by the other. Herein it is not difficult to trace the real causes as well of the extraordinary opposition on the one side as of the tenacious adherence on the other."

Sumner himself as the weeks rolled away and ballot after ballot was taken, with still no election, despaired of success and fearing that the Free-Soilers, by persisting in voting for him alone, as their candidate, and refusing to consider any proposition for a change, were emperilling their prospect of success and, perhaps, sacrificing all the fruits of their hard-earned victory, wrote to Wilson, February 22, 1851: "Early in life I formed a determination never to hold any political office, and, of course, never to be a candidate for any. My hope was (might I so aspire!) to show, that, without its titles or emoluments, something might be done for the good of my fellow-men. Notwithstanding the strength of this determination often declared, I have, by the confidence of the friends of Freedom in Boston, more than once been pressed into the position of candidate; and now by the nomination of the Free-Soil and Democratic members of the Legislature of Massachusetts, contrary to desires, specially made known to all, who communicated with me on the subject, I have been brought forward as their candidate for the Senate of the United States."

"Pardon me, if I say, that personal regrets mingle with

gratitude for the honor done me. The office of Senator, though elevated and important, is to me less attractive than other and more quiet fields. Besides there are members of our party, to whom I gladly defer as representatives of the principles we have at heart."

"I trust therefore that the friends of Freedom in the Legislature will not, on any ground of delicacy towards me hesitate to transfer their support to some other candidate, faithful to our cause. In this matter, I pray you, do not think of me. I have no political prospects which I desire to nurse. There is nothing in the political field which I covet. Abandon me, then, whenever you think best without notice or apology. The cause is everything; I am nothing."

Sumner asked Wilson to communicate the contents of this letter, in some proper way, to the Free-Soil members of the Legislature; which he did. But there was a feeling among them, that he better represented their cause than any one else, that he was really more acceptable to the Democrats than any one they could name and that to abandon him now would be half a confession of defeat. They also knew that, with his courage and power of speech, he was best qualified to stand for them in the Senate. They, therefore, resolved to persevere. Wilson and his colleagues could see that the "Indomitables" were hardly longer *indomitable* and that they were already seeking an escape from their position, that to hold on just a little longer must, in all probability, result in success. A clause, in the Bill of Rights of the constitution of Massachusetts, allowed the people to meet in mass convention and instruct their Representatives how to vote. In some instances this was done, the only occasion when this right was ever known to be exercised. This furnished some of the opposition a pretext for changing their votes. Others, seeing the risk to hold out to the close of the session and go before the people for re-election, with this record, after the pledges that had been made, the Free-Soilers being ready to unite with the Whigs to compass their defeat, were glad to escape from their position; and so on one pretext or another the "Indomitables" found their way into the ranks.

On April twenty-third, another ballot was taken,—the eighteenth. The result was announced: whole number of votes 387, necessary to a choice 194; Charles Sumner 194, Robert C. Winthrop 167, scattering 26. On the announcement it appeared that Sumner was elected and, for a few minutes, the rejoicing of his supporters was unbounded. But the correctness of the count was challenged. One ballot that had Sumner's name

printed upon it, had also the name of John Mills written upon it, in pencil, below his. The opposition insisted, that it should be counted for Mills and not thrown out as it had been, thus making one more vote necessary to a choice. Three other ballots were taken the same day, with the same result, Sumner each time lacking one vote of an election. The Free-Soilers were on tiptoe with excitement; they felt that success was at hand, and still they were afraid to rejoice. Success had seemed within their reach so often and yet it had so far eluded their grasp!

On April twenty-fourth another ballot was taken, without success. Sumner was two votes short. At this stage Sidney Bartlett, a Whig, moved that thereafter the voters be required to place their ballots in separate envelopes, that the envelopes should all be uniform, that where two votes should be found in the same envelope, if for the same person only one should be counted, if for different persons both should be thrown out. The members had previously been required to give their votes while passing in front of the Speaker's chair, their names being called and checked when they deposited their ballot. The purpose of the motion was thought to be to secure changes against Sumner; but it had the contrary effect. Being secret, it enabled some persons, without being known, to vote for Sumner. Perhaps they were Whigs, perhaps Indomitables,—just who, was never known, though different claims have since been made for the distinction. The result announced was: whole number of votes 384, necessary to a choice 193, Charles Sumner 193, Robert C. Winthrop, 166, scattering 25. Thus on that day nearly four months after the voting commenced and on the twenty-sixth ballot, in the House, Sumner was elected Senator.

It was a notable election; a struggle for the seat of Daniel Webster, in the Senate, while he was still living, upon an issue which was already dividing the country, and drawn out by its closeness for weary weeks and months! It attracted general attention. The dignity with which Sumner bore himself through it and his constant refusal to make any promise or pledge or to modify his previously expressed opinions, though votes were offered in exchange, raised the people's estimate of him. To a Democrat who had called upon him for this purpose, he said: "If by walking across my office I could secure the Senatorship, I would not take a step." He was not to be swerved by self interest. This sentiment found a response among the plain people. It can fairly be concluded now that any other course would have lost him votes. His power was in

his leadership of a conscience party. No sacrifice of principle for votes could have strengthened that leadership. So without sacrifice of conviction and without pledges other than were to be implied from his past life, Sumner came to the office of Senator.

But it must not be inferred that he had been indifferent to the result. As we have seen he met his supporters in caucus more than once, and was at all times during the contest ready to give them his advice. But his position was that the cause was everything; while he was nothing,—that no mere personal ambition should be allowed to interfere with its success,—that all should unite and work and, if need be, sacrifice for it.

The result was received with various feelings. Most of the members of the House were tired and glad to have the long contest ended, many of the Free-Soilers were jubilant, seeing in this unusual victory an earnest of something to be done to check the onward march of Slavery; others still were questioning. It was a new departure in the politics of Massachusetts. Would it bring the same honor and renown to the Commonwealth that Webster and his party had done? Time showed. It marked the closing of the period, when love of the Union and compromises for its support predominated under the great leadership of Webster; and it marked the beginning of the period of the Civil War when men believed that compromise could be carried too far—that Union and Universal Freedom ought to be made to stand together. With the heat of battle, they finally welded these two principles into constitutional law.

In the evening a ratification meeting was held in State Street at which speeches were made by Henry Wilson, Joseph Lyman and Thomas Russell. After the meeting the crowd marched to Sumner's house, but he had left the city. It then proceeded to the home of Charles Francis Adams who addressed them. They afterwards went in a body to the home of R. H. Dana Jr. who being absent, was represented by his father. He said that he had "kept his bed until noon through illness; but on learning the news of the election of Mr. Sumner he suddenly became better."

Sumner first heard the news, while dining at the house of Charles Francis Adams, in Mt. Vernon Street within a minute's walk of the State House. He was very intimate with the family and dined with them, on an average as often as once a week. He had been there the day before, when his election was announced and the ballot afterwards being corrected, left him one short of a majority. Knowing that another ballot would be taken on the twenty-fourth, and that the result must be very

close, he came there again, so that he with Adams might promptly hear the result. A little son of Mr. Adams' brought them the news, about three o'clock in the afternoon, while they were dining; and another son, then about sixteen years of age, seated beside Mr. Sumner at the table was the first to congratulate him. He did not seem at all elated, or show any sign of rejoicing. In a few minutes a number of friends, learning he was there called to offer their congratulations and were received in the library. A proposition to have a public demonstration, at his own home in the evening, he put aside, being unwilling that a victory for a cause should assume any appearance of a personal triumph.

He soon left the house and the city, going to Longfellow's home in Cambridge where he passed the evening, with him and Palfrey and Lowell, and spent the night, away from the excitement caused by his election. In his diary of that day, Longfellow wrote of Sumner: "He is no more elated by his success than he has been depressed by the failure heretofore and evidently does not desire the office." Sumner, in fact, mistrusted his ability to meet the expectations of his friends and to discharge the duties of the office, according to his own ideal. What if he should fail, after all the hopes that had been held out by his party to the people! To a young friend who said to him; "This is too good; I fear you will die before taking your seat;" Sumner thoughtfully replied, "Perhaps that will be the best thing for me."

To John Bigelow, then associated with Bryant on the New York Evening Post, he wrote: "Every heart knoweth its own secret, and mine has never been in the Senate of the United States, nor is it there yet. Most painfully do I feel my inability to meet the importance which has been given to this election and the expectation of enthusiastic friends, but more than this, I am impressed by the thought that I now embark on a career, which promises to last for six years, if not indefinitely, and which takes from me all opportunity of study and meditation to which I had hoped to devote myself. I do not wish to be a politician."

But his friends refused to participate in his misgivings. The newspapers in commenting upon his election, recognized the independence of his position in the Senate, unfettered as he would be by pledges and promises. The London Times, in a leader, interpreted the election of Sumner, "the most active and able representative" of the cause of the Free-Soilers, as showing the strength of feeling in Massachusetts against the Fugitive Slave Law and as an emphatic declaration that the

law at least in its existing form, was not to remain unassailed, Congratulations came to him from every side,—from Bryant, Bigelow, Epes Sargent and Neal Dow; from Chase, Giddings, Jay and Burritt. John G. Whittier wrote: "I rejoice that unpledged, free and without a single concession or compromise thou art enabled to take thy place in the Senate. I never knew such a feeling of real heart pleasure and satisfaction as is manifested by all except inveterate Hunkers in view of thy election. The whole country is electrified by it. Sick abed, I heard the guns, Quaker as I am, with real satisfaction." John Van Buren wrote: "I was as much pleased with seeing your frank as I was with the inside of your note. Independent of the fact that it proves your election to the United States Senate, the inscription '*Free.* Charles Sumner,' seems to me mighty pretty reading."

Sumner gratefully acknowledged the assistance of his friends. Henry Wilson especially had been unwearied in his efforts. He was chiefly instrumental in bringing about a coalition with the Democrats to secure the election of members of the Senate and House, and after the election he had been no less diligent in holding the Democrats to their pledges of support. He possessed large capacity for organization and a cool head as well as an honest heart. In the darkest days of the struggle he never despaired. When others were ready to give up and adopt measures to punish the recalcitrant Democrats, his better judgment restrained them. When thoughts of another candidate and of a compromise were suggested, his warning voice said: "No, Sumner is our candidate; his choice, was our right, and we will have no other." He was tireless in his efforts and his judgment was good. In this campaign he developed the ability and the traits of leadership which five years later made him Sumner's colleague in the Senate. Writing to him, on the day after the election, from Craigie House, Sumner gratefully said: "To your ability, energy and fidelity, our cause owes its present success. For weal or woe, you must take the responsibility of having placed me in the Senate of the United States." And in the same letter he placed it upon record, that all Wilson did was done without the suggestion of any selfish consideration and without any thought of personal advancement.

Having received from the Secretary of the Commonwealth his certificate of election, Sumner on the fourteenth day of May, addressed to the Senate and House of Representatives of Massachusetts a formal letter of acceptance of the office. In it he recognized that he owed his first duty to the cause of Liberty;

but as he had, during the contest been charged with being a Disunionist and a Sectionalist, he took this occasion to correct the false impression that had been sought to be given out by his opponents. He declared himself in favor of the Union and against any effort to destroy it and as opposed to all *sectionalism* whether of the North to carry Freedom into the Slave States, or of the South to carry the evils of slavery into the Free States or the *sectional* domination of slavery over the National Government. He declared his belief in a Union so firm that no part could be permanently lost from its well-compacted whole and that it could be separable only by a crash which would destroy the whole. He bespoke the candid judgment of his constituents to promote the general welfare, assuring them that true politics and right which are a law alike to individuals and communities are the same for the lowly and the great.

Referring more directly to the office, he said: "The trust conferred on me is one of the most weighty which a citizen can receive. It concerns the grandest interests of our own Commonwealth, and also of the Union in which we are an indissoluble link. Like every post of eminent duty, it is a post of eminent honor. A personal ambition, such as I cannot confess, might be satisfied to possess it. But when I think what it requires, I am obliged to say that its honors are all eclipsed by its duties."

"Your appointment finds me in a private station, with which I am entirely content. For the first time in my life I am called to political office. With none of the experience possessed by others to smooth the way of labor, I might well hesitate. But I am cheered by the generous confidence which, throughout a lengthened contest, persevered in sustaining me, and by the conviction, that, amidst all seeming differences of party, the sentiments of which I am the known advocate, and which led to my original selection as a candidate, are dear to the hearts of the people throughout this Commonwealth. I derive, also, a most grateful consciousness of personal independence from the circumstance, which I deem it frank and proper thus publicly to disclose and place on record, that this office comes to me unsought and undesired.

"Acknowledging the right of my country to the services of her sons wherever she chooses to place them and with a heart full of gratitude that a sacred cause is permitted to triumph through me, I now accept the post of Senator."

## CHAPTER XIX

REGRETS AT LEAVING BOSTON—FIRST DAYS AT WASHINGTON AND IN THE SENATE—WELCOME TO KOSSUTH—AID TO RAILROADS IN IOWA—EULOGY ON RANTOUL—ANXIETY TO BE HEARD ON SLAVERY—SECURES A HEARING—THE SPEECH, “FREEDOM, NATIONAL; SLAVERY, SECTIONAL”—HIS BROTHER GEORGE RETURNS FROM EUROPE—SUMNER’S VACATION—TAKES NO PART IN CAMPAIGN

IN the campaign of 1851, the same coalition was made between the Free-Soilers and Democrats, as had been made the previous year and with similar results. The Legislature, both House and Senate, were again in the control of the coalitions, but the majorities were not so large as they had been the previous year. Some congressional districts were lost, where the coalition had before elected their candidates. The first use Sumner made of his frank was in distributing documents, to promote the re-election of John G. Palfrey to Congress. But Palfrey was defeated. Sumner did not do so much speaking as he had done the previous year. He was busy making preparation for his removal to Washington, by putting his affairs at home in such shape that they would not suffer by his absence. Besides, he did not wish to have another contest with Winthrop who was still taking part in politics though defeated for election to the Senate. Sumner entertained for him personally a kindly feeling and sincerely regretted his political course. To carry a personal controversy further, after the events of the last year, might seem like seeking a quarrel for its own sake, than which nothing could have been farther from Sumner.

He wished that Winthrop might still be induced to join the anti-slavery movement, where his ability and his popularity would have found a wide field for usefulness. But this was destined never to be. Winthrop had gone too far now, to be willing to retrace his steps, he had been prominent as a Whig and his opinions had been given such wide publication that they could only be retracted with some sacrifice of personal pride; besides others had the places he coveted. To join the new party would seem like commencing his political life over again. It was a source of regret, to his friends, that he was not induced

to make the sacrifice so that a new and, perhaps, larger career might have been opened to him. Sumner did not forget his many good qualities. He hoped that friendly feelings would yet prevail between them. He was always disposed to look charitably on his political antagonists and, while tenacious of his convictions, he did not believe that they should interfere with private friendships. And besides the weight of social ostracism, he was often made by others to feel, during his long career, made him careful not to do the same injustice to others.

He went to Washington the week before Congress opened. In leaving Boston there were three separations he felt keenly,—from his mother and sister at the old home, from the Longfellows at Cambridge and from the Howes, at the Blind Asylum. Many were the happy hours he had passed in these quiet places, where love and sympathy had never failed him. When others had insisted on misconstruing his efforts against slavery, had snubbed him in public, and privately closed their doors against him, he always found these places of retreat open. His quiet home, with the books he loved, his frequent evenings with the Howes, his Sunday dinners at Longfellow's, with the congenial talk and companionship, the joyful part of his bachelor life,—these things had formed ties whose strength he did not appreciate, until they were about to be broken. The thought of the separation made him sad.

From New York he wrote to Howe: "Three times yesterday I wept like a child,—I could not help it; first in parting with Longfellow, next in parting with you, and lastly as I left my mother and sister. I stand now on the edge of a great change. In the vicissitudes of life I cannot see the future; but I know that I now move away from those who have been more than brothers to me. My soul is wrung and my eyes are bleared with tears. God bless you ever and ever, my noble, well-tried, and eternally dear friend!"

To Longfellow he wrote: "I could not speak to you as we parted, my soul was too full; only tears would flow. Your friendship and dear Fanny's have been among my few treasures, like gold unchanging. For myself I see with painful vividness the vicissitudes and enthrallments of the future, and feel that we shall never more know each other as in times past. Those calm days and nights of overflowing communion are gone. Thinking of them and of what I lose I become a child again. From a grateful heart I now thank you for your true and constant friendship. Whatever may be in store for me, so much at least is secure; and the memory of you and Fanny will

be to me a precious fountain. God bless you both, ever dear friends, faithful and good! Be happy and think kindly of me."

A little later Longfellow answered: "Your farewell note came safe and sad; and on Sunday no well-known footsteps in the hall, nor sound of cane laid upon the table. We ate our dinner somewhat silently by ourselves, and talked of you far off, looking at your empty chair."

One source of Sumner's feeling of loneliness at parting from these home friends was the untried future that stretched out before him and the dread of his responsibilities. Daniel Websters, from his place in the Senate, had occupied a large measure of public attention. His massive eloquence would have attracted attention anywhere. And yet Sumner had succeeded after a short interval, to his place, by a contest, in which Webster and his friends were defeated. Naturally Sumner would be contrasted with him. Every effort he was to put forth for the cause he represented must be made before an audience utterly unsympathetic. The leader of the New England anti-slavery men could hope for no sympathy from the United States Senate in his effort for this cause. And yet the cause was the very one he was commissioned to represent. No one had blazed the way for him. John Quincy Adams and Joshua R. Giddings had been pioneers in that work in the House, but it may fairly be said there was none before Sumner in the Senate.

When he took his seat, on the first day of December, 1851, the only two Free-Soilers in the Senate were Hale of New Hampshire and Chase of Ohio, the former elected by a coalition of Free-Soilers with Whigs, and the latter by a coalition of Free-Soilers with Democrats. Neither of them had been there long,—Hale, four years; Chase, but two. Though both were able and earnest men, neither had acquired distinction for aggressive leadership of the anti-slavery cause in the Senate. Seward was also there, but he still maintained his affiliation with the Whigs. Wade entered the Senate the same day as Sumner. The cause was still in need of an earnest, aggressive man, of singleness of purpose, who could attract national attention and from his place in the Senate awaken the North to a realization of the enormities of slavery and its aggressions and the dangers that lay in them to the country.

It is a singular fact that as he entered upon his duties, Mr. Benton said to him: "You have come upon the stage too late, Sir; all our great men have passed away. Mr. Calhoun and Mr. Clay and Mr. Webster are gone. Not only have the great

men passed away, but the great issues too, raised from our form of government, and of deepest interest to its founders and their immediate descendants, have been settled also. The last of these was the National Bank, and that has been overthrown forever. Nothing is left you, sir, but puny sectional questions and petty strifes about slavery and fugitive slave laws involving no national interests."

What a strange prediction this was, in the light of subsequent history! And yet, perhaps, it was not a strange prediction for one to make then, who had passed the thirty years prior in the public service! Calhoun was dead. He had died the year previous, in Washington, at his post as Senator. Webster had resigned, a few months before to enter Fillmore's cabinet, an old man worn out, destined to die a year later. Clay was in his seat, in the Senate for the last time, the day Sumner entered.

They were the giants of their day. All gone! The National issues of the formative period of the Government over which they had struggled, were many of them settled,—Nullification, the constitutionality of a Tariff and of Internal Improvements. The national boundaries had been defined and new territory had been acquired. But some of the issues over which they had struggled and now considered settled, we know were far from it,—the perpetuity of slavery, the right of Secession, the indissolubility of the Union. How such issues as the Bank, the Tariff and Internal Improvements dwarf in comparison with them. The work of these statesmen should not be belittled. They fostered, maintained and strengthened the Government until it learned its own powers and a great majority of its people appreciated its blessings. But the work of the statesmen of the succeeding period,—the period commencing with the entrance of Sumner and his anti-slavery co-laborers upon public life,—the period of the Rebellion, of Emancipation and Reconstruction—was destined to be, beyond all comparison, the most eventful in our history. And when Clay, the "great compromiser" with slavery went out of the Senate, on that day another, greater than he, came in,—a man who knew no compromise with slavery, who always fought his battles against it to a finish, and was always for a clean victory or a defeat.

Sumner was conducted before the presiding officer, to take the oath of office by Lewis Cass, his oldest personal acquaintance among the Senators. Their friendship extended back to the days in Paris, when they had prepared for publication a discussion of the question of our North Eastern Boundary, then in dispute with England. By a curious chance, Sumner chose for his seat on the floor of the Senate, the chair just

made vacant by Jefferson Davis, when he entered Fillmore's cabinet. It was beside the seat of Chase, which fact led to its selection, and was immediately behind the seat of Butler of South Carolina, one of the most extreme apologists of slavery. It was on the Democratic side of the floor; there was no anti-slavery side then, and Sumner had been elected, partly by Democratic votes. In the distribution of appointments to committees, he was placed at the foot of two unimportant ones,—the committee on Revolutionary Claims and the committee on Roads and Canals.

His social reception at Washington was more cordial than he expected. His familiarity all his life, with intellectual people, his friendly manner and fondness for conversation, united with a certain novelty in his position in the Senate and a reputation for oratory that preceeded him, assisted in opening a way for him. He was already acquainted with Chase and during the remaining four years of his term they were intimate. He soon became intimate with the New York Senators, Seward and Fish, and their families. Even the Southern Senators, to his surprise met him cordially, and with one of them, at least, Soule, of Louisiana, whom he regarded as the most brilliant man in the Senate, eloquent even in a language he could not speak distinctly, he entered upon a sincere and lasting friendship. He also became intimate at the French, English and Spanish embassies. His ability to speak French and his acquaintance with the wife of the Spanish Ambassador, a Boston lady, his large acquaintance in Europe, especially in England, and his recollection of days of travel, naturally attracted him to these houses. Since his return from Europe, few foreigners of distinction had come to Boston, from England, who did not bring letters to him; and after he became a Senator fewer still came to Washington without meeting him.

News of his social success in Washington was not long in reaching Boston, where the eyes of many were upon him. There was great fear with some, that the attractions of society and the blandishments of the Southern members would seduce him from the settled purpose of his election. Slavery had been so resourceful, that Northern men had grown distrustful of the ability of their representatives to withstand it. There was some foundation for this distrust and there was much of it without foundation. The influence of the South in Washington society was greater than it should have been; but people thought it greater than it was. There were good men, Giddings, Chase, Hale and their circle of friends over whom it had no power. Sumner was well on his guard for it. He knew the

work he was sent to do, but he thought he could succeed better by having a social standing at the Capitol, so that he might have an opportunity to influence men by private conversation. He felt he could not acquire this acquaintance and confidence, by at once and without hesitation pitching into the favorite opinions of his associates and thereby, perhaps, making it impossible for him ever to acquire position among them. He preferred to gain their good opinion first.

Sumner was at this time in the prime of manhood. He was forty years of age. The unshapeliness and slenderness of his youthful days had disappeared and his frame had filled out broadly so as to make him tower like a tribune among men. He had not yet acquired the weight he did in later life. His wealth of dark brown hair, not even tinged with gray, but worn according to the fashion of the time, a little long, hung full about his forehead. His clear blue eyes and open countenance showed the enthusiasm of young manhood. His mouth and nose were large but well shaped and his features clean cut, showing lines of intelligence, noble aspirations and thoughtful, student-life, not yet graven by age into furrows. To fill out a face inclined to be long, he wore, as he did most of his life, short side-whiskers. His face was otherwise smoothly shaved. He always dressed in the fashion, but with good taste, and was scrupulously clean. He was withal noticeably fine looking, bearing with him the marks of a well-bred, temperate, intellectual man, absorbed in the purpose of his life, approaching the earnestness of an enthusiast. His friendly smile, easily provoked, seeming to invite others, his hearty laugh, his naturalness, his friendly greeting won him acquaintances in many directions. A leader of the New England Abolitionists, with some reputation for eloquence sent to Washington to represent an apparently hopeless cause, he was the most interesting new figure in the Senate.

There was from the first, among his colleagues a good deal of curiosity to hear him; and the opportunity was not long wanting. The Hungarian patriot, Louis Kossuth, had escaped from Poland into Turkey and was there in friendly exile. The President was authorized by Congress, at its previous session to employ a ship of war to receive him and his fellow exiles and convey them to the United States. One of the best ships of the Navy, the Mississippi, was detailed for this service. On the homeward voyage she touched in England, where for a few weeks, by brilliant speeches, Kossuth invoked the aid of her people for his oppressed country, and created a great enthusiasm. The vessel was soon to arrive in New York and the

question arose what form his welcome should take. Mr. Webster, the Secretary of State, thought that having been invited and brought, as the guest of the nation, some Congressional recognition of the event would be proper. Following this suggestion, a resolution had been introduced on the first day of the session, by Foote of Mississippi providing for his reception and entertainment; but some objection being made to its form, it was withdrawn. On December eighth, Mr. Seward introduced a resolution that "Congress, in the name and on behalf of the people of the United States, give to Louis Kossuth a cordial welcome, to the Capitol and to the country." An amendment was moved to this resolution, that "while welcoming Kossuth and his associates, it was due to candor to declare that it was not the purpose of Congress to depart from the settled policy, which forbids all interference with the domestic concerns of other nations."

It was on this resolution and amendment that Sumner arose to speak on December ninth, but it being late in the day, he gave way to a motion to adjourn. The consideration of the resolution was resumed the next day and Sumner spoke. After recognizing the importance of the resolution as calculated to create, combine and inspire sentiments for Freedom both in our own and foreign countries, he said he was ready to vote for it, without the amendment. He argued that we could not afford to do things by halves, that the invitation having in the name of Freedom, been extended to Kossuth and the hearts of the people, being open to receive him, Congress could not now turn its back upon him. He insisted it was a duty they owed, not only to the last Congress, but to their guest himself. He referred to the great and brilliant service of Kossuth for the cause of Freedom and Equality, and said he saw "in him more than in any other living man the power which may be exerted by a single, earnest, honest soul in a noble cause." He could find nothing in the law of nations, which forbade us to welcome an exile to freedom; he would seek no precedent for that.

But while he recognized the greatness of the guest, the charm of his eloquence and the popularity of his cause, he could agree in his behalf, to no belligerent intervention by our nation in the affairs of Europe. He insisted that such a thing was neither, upon the face of the resolution proposed by Seward, nor in any way to be implied, from anything contained in its terms. He wished to be distinctly understood as favoring no such intervention. While he inculcated no "frigid isolation" of ourselves,—while he hoped that we would never close our ears to the cry of distress and that we would never cease to swell

with indignation at the oppression of tyranny,—while he would offer sympathy to all, in every land, who struggled for human rights, yet, nevertheless, against every pressure, against all popular approaches, against all solicitations, against all blandishments, he would uphold, with steady hand, the peaceful neutrality of the Nation. And still, with these convictions he could not join, in the amendment, proposing a declaration of non-intervention, in the resolution. To an act of courtesy and welcome, it attached a most ungracious condition. “A generous hospitality will not make terms or conditions with a guest!” he exclaimed, “and,” he added, “such hospitality, I trust, Congress will tender to Louis Kossuth.”

The proposed amendment was lost, but the resolution offered by Seward, welcoming Kossuth to the capital and the country, in the name of the people, was passed, by a vote of thirty-three to six, in the Senate, was concurred in by the House, and approved by the President.

Kossuth became the Nation’s guest and was welcomed by Daniel Webster, as Secretary of State, at New York, in a notable speech. He visited Washington and made a tour of the country, speaking in the principal cities. Sumner met him repeatedly in Washington. The charm of the man and the success of his eloquence was greater than ever before. He was received everywhere with unbounded enthusiasm and aroused for his oppressed and dismembered country, the deepest sympathy. The enthusiasm for his cause, was so sweeping that it threatened for a time to become a national issue, whether our Nation should interfere or not. A charm still gathers about his name; and his visit is remembered, as one of the brightest episodes in our history, and one of the most impressive in the history of eloquence. But after the first wave of excitement had passed, the sober second thought of the people prevailed. The country lost none of its admiration for Kossuth or of its sympathy for his unfortunate country, but it was seen that the armed intervention he advocated would not be granted by our people and would probably be unavailing if it were.

Sumner had struck the true note, in his speech, the one that finally prevailed, welcome without stint, to a noble and eloquent man, admiration for his work, sympathy for struggling humanity everywhere,—but no belligerent intervention, by our nation, in the tangled web of European politics. His speech was a clean cut expression of national duty and a generous tribute to a pure patriot and a good man; but it in no way committed us to a cause that was already hopeless. Just at the beginning of his career, it was well-timed for Sumner; and it was well-timed

for the country. It helped him in the estimation of his fellow Senators, to whom he had been represented as an agitator and an enthusiast, a man of one idea. It showed that he was not as represented, that on one subject at least, he was careful, conservative and sensible. Thoughtful men generally approved his course. It satisfied the people of Massachusetts, especially of Boston, always of a strongly conservative tendency; and it helped to correct the false impression of Sumner which many of the newspapers of the Whig party had sought to convey during the contest for the Senatorship.

Rufus Choate, one of his Whig opponents, in acknowledging the receipt of a copy of the speech, in a characteristic letter wrote: "I thank you for the copy of your beautiful speech, and for the making of it. All men say it was a successful one, parliamentarily expressing it; and I am sure it is sound and safe, steering skilfully between *cold-shoulderism* and *inhospitality*, on the one side and the splendid folly and wickedness of co-operation, on the other. Cover the Magyar with flowers, lave him with perfumes, serenade him with eloquence, and let him go home *alone*,—if he will not live here. Such is all that is permitted to wise states, aspiring to the 'True Grandeur.'

"I wish to Heaven you would write to me *de rebus Congressus*. How does the Senate strike you? The best place this day on earth for reasoned and thoughtful, yet stimulant public speech. Think of that. Most truly yours,—*in the Union.*"

But there were voices of dissent from Sumner's speech,—not many, it is true, and not loud. It is a curious fact, that some of them came from his closest friends. They did not agree with his views of non-intervention. Wilson was one of them and Howe was another. It would hardly be expected that one of the revolutionary tendencies of Howe, would have much fear of granting the assistance sought by Kossuth. When a young man he had found his way to Greece to take part in her revolution and again he went to Paris, where in active sympathy with Lafayette, he took part in the convulsions of the city against Charles the Tenth. The consequences which might follow such a step as intervention by our country in the affairs of Hungary would have little terror for him. His sympathy for human suffering and for the oppressed everywhere, carried him readily over questions of state policy. But he was loyal to Sumner. He wrote him chidingly, yet pleasantly, saying he would not have believed, that one who had gone so fearlessly into the Broad Street riot, where they had first become acquainted, would now hesitate to lend his vote and his voice to help this oppressed people. Wilson agreed with him. He wel-

comed Kossuth to Boston and entered heartily into his mission. Other Free-Soilers agreed with Howe and Wilson. But the excitement was short-lived; and within a few months serious thought of intervention disappeared.

Sumner continued faithful in his attendance upon the sessions of the Senate, watching its proceedings closely and extending his acquaintance, but he did not take much part in the public work. He did not think it would be becoming in him to do so and such part as he did take he wished to be entirely distinct from the slavery question. But he was determined that the session should not close without being heard upon it. He wanted to make sure of his ground, to learn the rules of proceeding and debate and when he did speak deliver one hard telling blow.

On January twenty-seventh, 1852, he spoke upon a bill, under consideration in the Senate, granting public land to the State of Iowa in aid of the construction of railroads within that State. He had made some study of the subject, which led him to believe that such aid should be granted. He advanced the argument that the National Government owed a debt to the States having this land within their borders. There were many million acres of it, and all exempt from taxation. The burden of protecting and improving it was a tax upon the States, where it happened to lie. New people moved into the State, crime had to be suppressed; the school enumeration increased and new schoolhouses had to be built; canals and roads were opened and the taxable property had to pay for them. Such things all gave permanent improvement to the country and enhanced the value of all the adjacent land. But it laid a great burden upon the owners of private property. Sumner estimated that there had been, up to January first, 1849; 289,961,954 acres of the public land proclaimed for sale, that is, surveyed and placed upon the market, and that it had remained upon the market, for an average of twenty-five years, before it was actually sold. All this time it was receiving protection and development, but paying nothing. He placed the actual cost of this protection, at the low rate of one cent per acre each year, while it probably should have been two or three cents a year. But at this low rate of one cent, it amounted in twenty-five years to \$72,490,475, an immense sum, clearly illustrating the amount the National Government was actually debtor to the States which embraced the land. He argued that tardy justice required, when opportunity presented, as it did then, that the Nation make reasonable grants of the land, in aid of these improvements. "Coming from different States and

opposite sections we are all," he said, "Senators of the Union, and our constant duty is without fear or favor to introduce into the national legislature the principle of justice."

He could see no more appropriate object of such a grant than the building of good roads. "It would be difficult to exaggerate the influence of roads as means of civilization," he said. "Where roads are not civilization cannot be; and civilization advances as roads are extended. By roads, religion and knowledge are diffused; intercourse of all kinds is promoted,—producer, manufacturer and consumer are all brought nearer together,—commerce is quickened,—markets are created,—property, wherever touched by these lines, as by a magic rod, is changed into new values,—and the great current of travel, like that stream of classic fable or one of the great rivers in our own California, hurries in a channel of golden sand. The roads together with the laws of ancient Rome, are now better remembered than her victories. The Flaminian and Appian ways, once trod by such great destinies, still remain as beneficent representatives of ancient grandeur. Under God the roads and the schoolmaster are two chief agents of human improvement. The education begun by the schoolmaster is expanded, liberalized and completed by intercourse with the world; and this intercourse finds new opportunities and inducements in every road that is built."

The argument of Sumner attracted attention. It was a new view of the subject; and the subject was one of present and growing importance to the country. Government aid to roads and railroads had always met with opposition. The building of the National Road, from Baltimore westward, over the mountains, in the face of steady and persistent opposition had been one of the triumphs of the statesmanship of Henry Clay, for which the people of Wheeling, through whose city it passed had erected to him a monument. Railroads were only beginning to be built; our country was large and its wants growing. To build them would require the expenditure of millions. Should the National Government establish the precedent of furnishing this aid? True it was not money, but public lands they now asked, yet the public lands had a value and Sumner was in favor of giving such aid.

But the question of the disposition of the public lands was as interesting as that of internal improvements. The Senators from many of the other states, having none of this land, within their boundaries, thought it should be preserved to be sold. The debate continued from day to day until the seventeenth day of February when Sumner's argument was assailed by Hunter of

Virginia, who with Underwood of Kentucky was particularly radical in opposition to the bill. When Hunter ceased speaking, Sumner arose to restate his argument and call attention to the fact that if wrong it should be answered, that Hunter had only claimed he had overstated the figures but nowhere denied that they were figures even if overstated and had not even attempted to answer them. The debate still continuing, an effort was made to amend the bill, by providing that portions of the public land should be distributed to each of the thirteen original states and to Maine, Vermont, Tennessee and Kentucky in the proportion of one acre to each inhabitant, according to the last census to be used for purposes of education and internal improvements. Sumner opposed this amendment.

The Senators from the West and Southwest appreciated the service Sumner had done them in this debate and felt under obligation to him. It was valuable aid from an unexpected source. His argument attracted a good deal of attention, in the Senate, and over the country,—especially in the West where most of the lands lay. In Massachusetts it was made the occasion of criticism of Sumner by the Whigs and of a resolution on the subject, in the Legislature. The Whig papers in Boston took it up against him and criticised his course. But the Free-Soilers were satisfied with it. They were largely composed of young men and controlled by conscience more than by questions of finance. They had sent Sumner to the Senate and were loyal to him. At this time he was in consultation or correspondence with many of them and appreciated their advice and confidence.

One of their leaders was Robert Rantoul, Jr., who was elected to Congress, the previous fall, by the same coalition of Free-Soilers and Democrats as had placed Sumner in the Senate. He had also been chosen, by the same coalition, to fill the unexpired term of Webster in the Senate, an interval of a few weeks expiring next March 4, and had he lived, he would probably have become Sumner's colleague, after the next election. He died at Washington, while serving his first term in the House. He belonged to one of the substantial families of Beverly, was an able lawyer, had been carefully educated to his profession and of such tastes as led him to continue his literary studies in connection with the law. He had at the time of his death, in contemplation, the preparation of a history of France. His father before him had filled important positions, had been a Member of the Legislature, Collector of Revenue at Boston, and United States District Attorney for Massachusetts, so that, by training and experience, the son had been fitted for a public career. But it was ended all too soon,

at the early age of forty-six, suddenly, after a brief illness,—so brief that Sumner did not know of his sickness, till he heard he was dying. His interest in the anti-slavery cause, his position in Congress, his ability to maintain himself, in public speech, made him one whose death at the time, was a loss.

Two days after his death in a eulogy in the Senate, Sumner said of him: "There was no topic within the wide range of national concern, which did not occupy his thoughts. The resources and needs of the West were all known to him and Western interests were like his own. As the pioneer, resting from his daily labors learns the death of Rantoul, he will feel a personal grief. The fishermen on the Eastern coast, many of whom are dwellers in his District will sympathize with the pioneer. These hardy children of the sea, returning in their small craft from late adventures, and hearing the sad tidings, will feel that they too have lost a friend. And well they may. During his last fitful hours of life, while reason still struggled against disease, he was anxious for their welfare. The speech which he had hoped soon to make in their behalf, was then chasing through his mind. Finally in broken utterances, he gave to them his latest thoughts. The death of such a man, so sudden in mid career is well calculated to arrest attention and to furnish admonition."

After enumerating the good causes,—public improvements, particularly railroads, common schools, temperance, etc., for which he had struggled, Sumner said : "There is another cause that commanded his early sympathies and some of his latest endeavors, to which had life been spared, he would have given the splendid maturity of his powers. Posterity cannot forget this; but I am forbidden by the occasion to name it here. Sir, in the long line of portraits on the walls of the Ducal Palace at Venice, commemorating its Doges, a single panel where a portrait should have been is shrouded by a dark curtain. But this darkened blank, in that place, attracts the beholder more than any picture. Let such a curtain fall to-day upon this theme."

The reference was to slavery,—the first Sumner made to it in the Senate. But even this slight allusion in the sensitive condition of the Senate, caused such irritation, that Sumner's colleague, John Davis, gave it as his reason for not speaking on the resolutions and allowing the vote upon them to be taken at once.

But the slavery question could not be kept out of the Congressional Record. Frown on it, resolve against it, compromise it as they might, still it seemed to be the one subject that always

appeared. The mention of it was almost sure to provoke a scene. Members were tired of it. They felt that little good could come of farther discussion of it. They ruled it out of order, but the people sent new men, who would bring it to the attention of Congress again and insist upon discussing it.

During his first winter in Washington, Sumner was asked to present to the Senate a memorial asking for the release of Drayton and Sayres, master and mate of the schooner Pearl, who had been convicted and imprisoned for the crime of transporting slaves. This was the first work in the anti-slavery cause that Sumner was asked to do in Washington. It is an interesting episode in anti-slavery history and on this account, aside from Sumner's connection with it, is worth preserving. On the morning of the sixteenth of April, 1848, the people of Washington were surprised, with the intelligence that seventy-six slaves had escaped on board the Pearl, a vessel, that had been quietly lying in the river and sailing down the Potomac, were then hurrying off to Freedom. The news and the thought that their own property might thus easily flee away, caused much excitement among the slave-holders of the city. Other vessels were immediately dispatched in pursuit, the Pearl was overhauled and the slaves with Drayton and Sayres were brought back to the city. Upon landing, the offending master and mate were met on the wharf by a mob that threatened to lynch them. The police however succeeded in getting them to the jail, when the mob surrounded the building and learning that Joshua R. Giddings was there in consultation with the prisoners, as their attorney, they demanded that he be at once expelled or they would cause bloodshed. And the jailer obliged him to retire.

The case of the offending master and mate was promptly brought before a grand-jury and one hundred and fifteen indictments were found against them. Horace Mann, then a Representative in Congress from Massachusetts, at Sumner's request, defended them on their trial, Sumner assisting him with authorities. They were, however, convicted and were sentenced to pay fines amounting to more than twenty thousand dollars and were remanded to jail till the fines and costs were paid. They had already lain in jail more than four years. Some good people in Boston, among them Wendell Phillips, united in a petition to Congress asking for their release and sent it to Sumner for presentation in the Senate. Sumner, feeling that such a petition presented to a body of such sentiments would only raise a new storm against Drayton and Sayres, took the liberty to withhold it and applied to President Fillmore, in

their behalf, for a pardon. The President questioned his power to grant a pardon in such a case, part of the fines being payable to the owners of the slaves abducted; and so the matter rested for some months. Upon Sumner pressing the matter farther, the President asked him to furnish some authorities in support of his power to grant a pardon in such cases. Sumner thereupon prepared a brief upon this question, which the President submitted to the Attorney-General. He sustained the view of Sumner as to the power of the President to grant the pardon, but expressly refrained from expressing any opinion as to the propriety of granting it in these cases.

Soon after, the Whig Convention nominating General Scott for President, thus defeating Fillmore, the pardons were granted. The President informed Sumner, by a note that he had signed them, when Sumner fearing that the prisoners would be arrested on other charges, went to the jail, in a carriage and placing them in charge of a friend, they were driven under the darkness of night to Baltimore, where they arrived in time to take the early train for the North and were soon in a Free State and out of danger.

By some persons Sumner was criticised for not following the request of the petitioners and presenting their prayer to Congress. Such a course they thought would have given publicity to the application and would have aroused indignation at the treatment of the prisoners, and would also have provoked a discussion of the slavery question in Congress. But whatever of benefit it might have brought in this way, would the chance of the good have justified the additional suffering it would have entailed on Drayton and Sayres? Sumner thought it would not and the prisoners, when he visited the jail for the purpose of consulting them, agreed with him. They felt they had suffered enough already for the cause, without additional martyrdom being placed upon them. Wendell Phillips frankly admitted the wisdom of Sumner's course.

It was not the intention of either the Whigs or Democrats to have any discussion of the slavery question during this session of Congress. The Compromise measures, which were to settle everything, and on which Webster had made his fatal seventh of March speech, had been passed only the previous session, after a long and anxious debate. The recollection of it was too fresh for them to permit this Compromise to be attacked thus early. Both parties in their National Platforms, during the summer of 1852, while Congress was still in session, had declared the question settled and were pledged against any attempt to reopen it. They both hoped to be rid of it

during the coming campaign. They were determined that whoever attempted to open it, should be put down if possible. This did not bode well for Sumner, who had been sent to the Senate to do this very thing and because of his especial capacity for it. But he was not a party to the Compromise, and the pledges of others to sustain it, did not bind him. He was therefore determined to discuss it.

On the 26th day of May, he offered in the Senate, the petition of some residents of Massachusetts, of the Society of Friends for the repeal of the Fugitive Slave Law. This law was enacted as a part of the Compromise. He had read only a part of it, the prayer of the petition, setting out in respectful terms, that they asked the repeal of the law, because of its injustice to a long oppressed race and especially because it placed them in jeopardy of the penalties of a law, which they could not conscientiously obey. He was prefacing his motion for a reference of the petition to the proper committee with the remark: "This memorial is commended by the character of the religious association from which it proceeds,—men who mingle rarely in public affairs, but with austere virtue seek to carry the Christian rule into life;" when he was abruptly stopped by the Presiding officer, Mr. King, of Alabama, who called him to order, telling him that he had no right to say anything more than state the contents of the memorial and move its reference, that more than this was out of order. Yet Sumner had observed that it was the constant practice, upon any other subject to do just as he was doing. Upon being assured that it was not his purpose to make a speech on the subject of slavery, the Senate allowed him to proceed. He then completed his statement, but gave notice that at some appropriate time he proposed to address the Senate upon this question.

He moved to refer the petition to the Committee on the Judiciary. A discussion of the motion arose. Finally on motion of Badger of North Carolina, the memorial was laid on the table.

Without saying much about it, except to his most intimate friends, Sumner felt discouraged by the prospect. Senators knew he wished to speak on the subject, but they were resolved, and openly made their boasts, that he should not be allowed to do so. He felt that he could not expect to change their convictions by what he would say, but he insisted that he should be allowed the right of free discussion, in the place to which he had been elected. Almost pleadingly he reminded them, that thus far during the session, he had forborne to obtrude his views upon them, that it was only justice he asked, that

both sides should be heard and he hoped they would hear him patiently, while he candidly and courteously presented the views of another portion of the country differing from theirs.

On the 27th day of July, Sumner made another attempt to be heard. He offered a resolution in the Senate instructing the Judiciary Committee to consider the expediency of reporting a bill repealing the Fugitive Slave Law and gave notice that he would ask to be heard on the next day. Accordingly the next day, July 28th, he called up the Resolution and asked the Senate for leave to speak upon it.

"In allowing me this privilege," he said, "this right, I may say, you do not commit yourselves in any way to the principle of the resolution; you merely follow the ordinary usage of the Senate, and yield to a brother Senator the opportunity which he craves, in the practical discharge of his duty, to express convictions dear to his heart, and dear to large numbers of his constituents. For the sake of these constituents, for my own sake, I now desire to be heard. Make such disposition of my resolutions afterwards, as to you shall seem best; visit upon me any degree of criticism, censure or displeasure; but do not refuse me a hearing. 'Strike, but hear.'"

A debate ensued, all the speakers except one, being opposed to taking up the resolution. They assigned the want of time and danger to the Union as the reasons. When the vote was taken, there were only ten in its favor; while thirty-two voted against it. Sumner was deliberately denied the privilege of speaking. He now saw that if he spoke at all, it would have to be as a matter of right, at a time when the Senate under its rules could not stop him. He must therefore watch for such a time and find it, or go back to his constituents, at the close of the session, unheard and, perhaps, discredited.

His constituents did not understand his silence. How was it possible for plain people,—farmers at work in the fields, or the smith at his forge, or the fisherman toiling at his oar, to know the rules of the Senate? Who would explain his silence to them? And yet they were the people around whose hearths, the newspapers were daily read in hope of learning of some of the powerful strokes for Freedom, they had been accustomed to hear from him on the platform and at the hustings. Would they think, that he, who had talked to them of the need of more backbone and whom they had supported because he was thought to have this essential qualification, had been seduced from the path of duty. And yet these were people whose good opinion Sumner valued. Such thoughts troubled him.

In certain quarters in Massachusetts, there was already dis-

satisfaction with his silence. The Free-Soilers, the party which had really placed him in the Senate, were men usually of high moral purposes, but intent on the one object before them and so absorbed in it, that they were apt to forget all other considerations. They were often impracticable. They were exacting in their claims upon public officials and inclined to be pessimistic and to believe that men in office were not faithful or honest. When their confidence in a man was once shaken they were unreasonable in their opinion of him and usually loud in expressing it. This was a hard party to serve. As their servant, Sumner felt during his first winter in Washington that his position was a hard one. He feared they were requiring more of him than human skill could accomplish.

Sumner's Free-Soil constituents were frequently taunted on the subject of his silence, by the Whigs on one side and by the non-voting Abolitionists, on the other. Of course the Whigs after fighting his election, wished him to fail. This would confirm their estimate of him, when they said before his election that he was unfit for the place. They had abundant means of calling attention to his silence and giving publicity to his course, for they controlled the leading newspapers of the State. These papers had generally pursued a disparaging course towards him. For example, in the Iowa land debate, they gave prominence, in their accounts of it, to the views of his adversaries and to what was said in criticism of Sumner, while they gave no space to his remarks or to his arguments. In a note to an edition of his speeches which he was then publishing, Winthrop called disparaging attention to Sumner's silence. Another Whig made a reference to it, in a speech in the State Senate, so pointed and offensive that Wilson left the chair to reply to it. Such thrusts were common in conversation.

The non-voting Abolitionists were even worse than the Whigs. While it must be conceded they meant well to the anti-slavery cause, they had such a disagreeable way of showing it, that it may fairly be questioned whether they did not do the cause more harm than good. They stubbornly refused to help it by their votes, yet after their more sensible anti-slavery friends, by working and managing and voting had secured a victory, they presumptuously rushed in to take charge of whoever was thus elected assuming to direct him in everything and if he did not at once bow to their nod, they proceeded to discard him and proclaim him untrue. Just at this time they were busy denouncing Sumner.

William Lloyd Garrison, at a meeting of the Norfolk County Anti-Slavery Society, held at Dedham, offered a resolution,

criticising Sumner for his silence for four months. But the resolution was successfully opposed by others, who knew the reasons for his silence, from correspondence and who approved his course. Among its opposers was Wendell Phillips. He spoke against the resolution and said that the man who delivered that City Oration and who not being aware of the sacrifice he was making for his principles, yet had stuck to them as he did after finding it out, and who had afterward advanced to the prison discipline and anti-slavery struggles and maintained himself as he had done, had earned the right to be trusted, farther than men could see his steps or know his reasons and that he proposed to trust him to the end of the session.

Richard H. Dana, Jr., best characterized the situation, however, when he wrote Sumner: "There are some men who think that nothing is doing, unless there is a gun firing or a bell ringing. They are superficial persons in whom is no depth of root; they are easily offended. The work we have to do is a long one; there is no pending question. Patience and judgment and preparation are as necessary as zeal and more rare."

The effect, however, of all this carping criticism of the Whigs and the non-voting Abolitionists was to the disadvantage of Sumner, who had not yet an established reputation as a statesman to give confidence to his supporters. It made his position difficult, and it stirred up opposition to him in his own party. But in the main, while many of the party did not understand his course, they continued loyal to him. The leaders, however, realized that they could not be depended on to continue this support indefinitely. Voters had been attracted from the old parties, by the promises held out by the new and these promises must be fulfilled. They advised him that to let the session close, without speaking would destroy confidence in him and weaken his position with the people and would injure the party, for whose success they were all anxious.

What Sumner feared was that he might not be able to speak. He realized now that the Senate would not consent to hear him. He realized also that he could not be heard as of right and without the consent of the Senate except on the appropriation bill when it came up for consideration. Some of the Senators, like Soule, had expressed to him privately, a desire to hear his views, but the discipline of the party was so great upon this question, that upon July 27 and 28, when he had asked the privilege of speaking, these very Senators had voted with the majority against hearing him. Upon any other question this courtesy would not have been denied him. Some of them urged him to ask leave to print his speech, in the Record without

delivering it; others had begged that he would not press the Senate to a vote on slavery, at this session and thus embarrass some supporters of General Scott, like Seward, by compelling them to record their position. But Sumner's answer was that he would speak and, God willing, he would press the question to a vote, even if he were left alone. This being known, he feared the consideration of the appropriation bill would be postponed till the last day of the session to prevent him being heard, and thus compel him to either not speak at all or if he did, to not be heard fully. He might prevent the passage of the bill and thereby cause an extra session. Sumner, however, was a man not easily turned from his purpose. He knew he had a right to be heard, and he determined he would be heard, even at the risk of an extra session.

But as he did not wish to take before the country the responsibility for an extra session, he kept his purpose of speaking on the appropriation bill a secret, except from a few close friends, upon whom he laid the injunction of secrecy. To prevent its being suspected, he cleared away the evidence of preparation, removed the books and papers from his desk and gave attention to the routine work of the Senate. He, however, pressed his preparation vigorously, at all times when the Senate was not in session, knowing that no work now would be lost, that the time was approaching when he must be heard.

At last that time came. The appropriation bill was reported to the Senate, on the nineteenth day of August, but it was not until August twenty-sixth, within three days of the close of the session, that any item of the bill was reached for consideration, to which his speech would be relevant. His purpose was, when the clause was reached, providing for the expense of the United States Courts in executing the Fugitive Slave Law, to move to strike out every appropriation for the execution of it and ask that the law itself be repealed. On the twenty-sixth day of August, Hunter, of Virginia, on recommendation of the Committee, moved to amend the bill, as follows:

"That where the ministerial officers of the United States have or shall incur extraordinary expenses in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof under the special taxation of the District or Circuit Court of the District in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the Judiciary."

This was Sumner's opportunity and he promptly seized it and offered the following amendment to the one offered by Hunter:

"Provided that no such allowance shall be authorized for any expenses incurred in executing the Act of September 18, 1850, for the surrender of fugitives from service or labor, which said Act is hereby repealed."

On this he took the floor and spoke. In commencing he did not conceal the exultation he felt, in having at last secured this opportunity to discuss slavery and the Fugitive Slave Law.

"Here is a provision for extraordinary expenses," he said, "incurred in executing the laws of the United States. Extraordinary expenses! Sir, beneath these specious words lurks the very subject on which by a solemn vote of this body, I was refused a hearing. Here it is no longer open to the charge of being an 'abstraction,' but actually presented for practical legislation; not introduced by me, but by the Senator from Virginia, on the recommendation of an important committee of the Senate; not brought forward weeks ago, when there was ample time for discussion, but only at this moment, without any reference to the late period of the session. The amendment which I offer proposes to remove one chief occasion of these extraordinary expenses. Beyond all controversy or cavil it is strictly in order. And now, at last, among these final crowded days of our duties here, but at this earliest opportunity, I am to be heard,—not as a favor, but as a right. The graceful usages of this body may be abandoned but the established privileges of debate cannot be abridged. Parliamentary courtesy may be forgotten, but parliamentary law must prevail. The subject is broadly before the Senate. By the blessing of God it shall be discussed."

He referred to the responsibility he assumed in attacking an institution engrafted as slavery had been upon the constitution and laws of the country. In the existing distemper of the public mind and at the present juncture no man, he said, could enter upon the service which he now undertook, without personal responsibility such as could be sustained only by the sense of duty which, under God, is always one's best support. But he was willing to be held responsible for this act before the Senate and the country and for every word which he was about to utter. He was painfully convinced of the unutterable wrong and woe of slavery and he believed that according to the true spirit of the Constitution it could find no place under our National Government.

"I have never been a politician," he said. "The slave of principle I call no party master. By sentiment, education and conviction a friend of human rights in their utmost expansion, I have ever most sincerely embraced the Democratic Idea,—not,

indeed, as represented or professed by any party but according to its real significance as transfigured in the Declaration of Independence and in the injunctions of Christianity. In this idea I see no narrow advantage merely for individuals or classes, but the sovereignty of the people, and the greatest happiness of all secured by equal laws. I shall hold fast always to this idea and to any political party which truly embraces it."

He reminded them that he would not forget the amenities which belong to debate and which especially became the Senate. It was the institution of slavery which he assailed, not its apologists. It was this wrong which he condemned without fear and without favor but as without impeachment of any person.

Coming to the question of slavery he said that at the threshold he encountered the objection that there had been a final settlement in principle and substance of this question and that all discussion of it was closed, that both the old political parties in their conventions had recently united in this declaration; and yet this was the very subject which was palpitating in every heart and burning on every tongue. He insisted that such party declarations were tyrannical. They curtailed the power of legislation and trampled upon the right of free speech. On slavery as on every other subject he claimed the right to be heard.

In words almost prophetic he added: "The movement against slavery is from the Everlasting Arm. Even now it is gathering its forces, soon to be confessed everywhere. It may not be felt yet in the high places of office and power, but all who can put their ears humbly to the ground will hear and comprehend its incessant and advancing tread."

For a long time the demands and the threats of the South had been growing. As it reached out for more territory, of which to make slave states, it became intolerant of opposition. The refusal of its demands was met with prompt threats of secession and complaints that the North was not fair to the South, that while the North had its tariff, largely favorable to its manufactures, it was ready to wrest from the South its cheap slave labor without which the rice and cotton fields could not be tilled with profit. Whoever advocated the abolition of slavery was, therefore, charged by the slave power as being a sectionalist, as wishing to drive the South out and break up the Union. Accordingly an anti-slavery party was a sectional party, but a pro-slavery party was a national party. To be an *anti-slavery* Whig was to be a *Sectional* Whig; but to be a *pro-slavery* Whig was to be a *National* Whig. "Anti-

slavery "had become a term of reproach in the North, as well as in the South. Both the Whig and Democratic parties aspired to be "National" parties and they had accordingly both become *pro-slavery*. It was Sumner's hope to remove from the friends of Freedom, the opprobrium of this term "sectional".

This was the title of his speech: "Freedom, national; slavery, sectional." He sought to show, first, The true relation of slavery to the National Government, that there was no national power under the Constitution by which it could be supported, and, second, The character of the legislation for the rendition of fugitives from service, The Fugitive Slave Law, that it was unconstitutional and offensive to the principles of our Government.

To show that slavery had no support in the Constitution, he quoted from the decisions of Lord Mansfield and the Supreme Court of Mississippi and the Court of Appeals of Kentucky, where it was held that if slavery existed at all, it must be by virtue of positive enactment, that a condition of perpetual bondage was so contrary to human rights and the law of nature that it could only be created by express enactment, that no form of implication could support it. He then showed that slavery was nowhere mentioned in the Constitution and that all its provisions made slavery impossible, as a National institution. It could only be derived by interpretation, which the authorities cited forbade and he farther insisted that by no fair interpretation could it be allowed. The preamble recites that the people to promote the *general welfare* and secure the blessings of *Liberty* \* \* \* do ordain and establish this Constitution." So the purpose of its enactment was in opposition to slavery. The contemporary declarations in the Convention of its framers confirmed this. Gouverneur Morris who "never would concur in upholding domestic slavery;" Elbridge Gerry, who wanted to be "careful not to give any sanction to it;" Oliver Ellsworth who thought "the morality and wisdom of slavery were considerations belonging to the States themselves; Roger Sherman who was opposed to recognizing slaves as property; and James Madison who "thought it wrong to admit in the Constitution the idea that there could be property in men;"—all showed they designedly omitted giving any sanction to the existence of slavery in the Constitution. Jurisdiction over the subject of slavery was recognized as belonging exclusively to the States and the framers did not intend that the Constitution should countenance it or the national government be in any way responsible for its existence. In the Massachusetts convention to ratify the Constitution, General Heath had said that by adopt-

ing it, they did nothing to hold the blacks in slavery or to partake of other men's sins for it; and this seemed to be the sentiment of the convention.

He argued that the political acts of a nation, like statutes in *pari materia*, ought to be construed together. The Declaration of Independence should be read with the Constitution, each to throw light upon the construction to be given to the other. It commences with the self-evident truth, that "*all men* are created *equal*, that they are endowed by their Creator with certain unalienable rights; that among these are life, *liberty* and the pursuit of happiness, that to secure these rights governments are instituted among men." Notice that the rights for which the Colonists were struggling were the *liberty* and *equality* which belonged to them as to all men. After the war for these principles had successfully closed the Continental Congress in an address to the States confirmed the doctrine of the Declaration by saying, "it had ever been the pride and boast of America that *the rights for which she contended were the rights of human nature.*" The Constitution by refusing to recognize slavery confirmed the same universal right to liberty and equality as the Declaration and the Address.

The rule of interpretation handed down from the English Common Law, not to be neglected in determining whether slavery found any support in the Constitution, was that in any question under this instrument, "every word must be construed in favor of Liberty. Slavery was not to be supported by interpretation or by implication unless clearly within the intention of the framers. In cases of doubtful construction, the doubt was to be resolved in favor of liberty. Following this rule of construction, the Supreme Court of the United States refused to recognize slaves as property or otherwise than as *persons*, saying that the power over slavery belonged to the States respectively, it was local in its character and in its effects (15 Peters 507).

Thus from every point of view, Sumner concluded, that slavery was not a National, but a Sectional, institution. Freedom alone was National.

Such a construction of the Constitution and of the powers of the National Government, he argued, was confirmed by the history and prevailing sentiment of the time of their formation. When that Government was organized there was not a slave anywhere within the *National territory*. The great men who organized it, Washington, Adams, Hamilton, Jay and Jefferson, Patrick Henry, "the orator of liberty" and William Pinkney,

"the acknowledged head of the American Bar," all concurred in condemning it.

One of the earliest acts of the first Congress under the Constitution was to ratify the Ordinance of 1787, forever prohibiting slavery in the North West Territory, thus saving this broad tract to freedom. Abolition societies of Virginia and Pennsylvania alike petitioned this same Congress in behalf of the slaves. Franklin, then eighty-four years of age, set his name as president of one Society to the petition from his State, asking Congress to "step to the very verge of the power vested in it for discouraging every species of traffic in the persons of our fellow men." The policy then was, not the nationalization of slavery, but the *denationalization* of it. In the conventions to consider the Constitution, several of the States expressed fears for the indefiniteness of some of its provisions and in accordance with their suggestions, the first Congress presented to the States for adoption this clause, which afterwards being ratified, became the Tenth Amendment; "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively or to the people." Thus not having provided for slavery in the Constitution, in express terms, or by any fair implication, they went farther and reserved all authority over every such question to the State. So there being no power in the National Government to create a system of slavery, all national legislation upholding it was unconstitutional and void.

Sumner also called attention to the fact that on the recommendation of the first Congress, another Amendment had been added to the Constitution: "No person shall be deprived of life, *liberty* or property without *due process of law*." He argued that the force of this Amendment, as a safeguard of Freedom was greater as shown by its history than even its emphatic language showed. As originally recommended, it read: "No *freeman* ought to be deprived of his life, *liberty* or property but by the *law of the land*." But Congress had rejected it in this form and refused to confine this great bill of rights to *freemen* alone, but had extended it to *every person*, "whether Caucasian, Indian or African,—from the President to the slave." They forbade *liberty* to be taken from any one, except by some regular process of the law, as indictment or presentment.

The application of these principles, he argued, the fundamental principles of the Republic, if carried out in the spirit of their adoption, would abolish slavery everywhere from National territory, make it impossible upon the high seas, under

our flag, stop it in the District of Columbia, prevent the sanction of Congress to the admission of slave States, the Government to support slavery or to hunt slaves.

"And yet," he said "politicians of the hour undertake to place these convictions under formal ban. The slave masters few in number, amounting to not more than three hundred and fifty thousand, according to the recent census, have succeeded in dictating the policy of the National Government, and have written slavery on its front. The change which began in the desire for wealth, was aggravated by the desire for political predominance. Through slavery the cotton crop increased, with its enriching gains; through slavery, States became part of the Slave Power. And now an arrogant and unrelenting ostracism is applied, not only to all who express themselves against slavery, but to every man unwilling to be its menial. A novel test for office is introduced, which would have excluded all the Fathers of the Republic,—even Washington, Jefferson and Franklin!"

"This single fact reveals the extent to which the National Government has departed from its true course and its great examples. For myself, I know no better aim under the Constitution than to bring the Government back to the precise position on this question it occupied on the auspicious morning of its first organization by Washington,— \* \* \* that the sentiments of the Fathers may again prevail with our rulers, and the National Flag may nowhere shelter slavery."

Sumner then passed to the second branch of his subject, the nature of the provision for the rendition of fugitives from service, the Fugitive Slave Law.

He argued from the Debates in the Convention that when the Constitution was framed no such power was claimed for Congress as was exercised in the passage of this law. The subject of the recovery of fugitive slaves was brought before the Convention once, about the time of its adjournment and then the proposition to give Congress power over the subject was promptly objected to and it was as promptly withdrawn. It was proposed to amend the clause for the surrender of fugitives from justice to make it also include the surrender of slaves as well as criminals. When the amendment was withdrawn, the clause for the surrender of criminals was unanimously adopted as it now appears in the Constitution. The clause for the surrender of persons bound to service had no reference to slavery and was adopted without debate and without opposition. The claim of the slaveholders that this clause referred to slaves and was adopted by way of compromise was, as shown by the Debates,

absolutely without foundation. The States in ratifying the Constitution did not make such a claim in their Convention nor did the men who had assisted to frame it.

The first assumption of the power to pass such a law, appeared in the Act of Congress of 1793, when it was tacked on to a law for the reclamation of criminals. In this apparently accidental manner, without attracting attention, it crept into the Statutes. More than a quarter of a century elapsed, before it was successfully enforced. In 1801 and again in 1817, an effort was made to secure more effective legislation on the subject; but both attempts failed. It was not until 1850 that the first really efficient legislation, in the Fugitive Slave Law, was enacted.

Speaking of this law, for whose repeal he was arguing, Sumner declared: "There is no safeguard of Human Freedom which the Monster Act does not set at nought. It commits this great question 'of a man's liberty' not to a solemn trial, but to summary proceedings. It commits it not to one of the high tribunals of the land, but to the unaided judgment of a petty magistrate. It commits it to a magistrate appointed, not by the President with the consent of the Senate, but by the Court, holding office, not during good behavior, but merely during the will of the Court and receiving not a regular salary, but fees according to each individual case. It authorizes judgment on *ex parte* evidence, without the sanction of a cross-examination. It denies the writ of Habeas Corpus, ever known as the Paladium of the citizen. Contrary to the declared purposes of the framers of the Constitution, it sends the fugitive back 'at the public expense'. It bribes the Commissioner by a double stipend to pronounce against Freedom. If he dooms a man to slavery, the reward is ten dollars; but saving him to freedom, his dole is five. It visits with penalties the faithful men and women who render to the fugitive slave the succor and shelter which religion requires to be given to the poor and the oppressed. According to the experience of all civilized nations there should be an end to the right to bring a suit fixed by statutes of limitation, but this act permits proceedings against those enjoying freedom without any reference to the lapse of time."

Sumner insisted that the law was a usurpation by Congress of powers not granted by the Constitution, that it was not within the express powers granted, nor could it be fairly implied from any general grant, that the law was also unconstitutional because it deprived the person apprehended of the right of trial by jury, the Constitution providing that "no person shall be deprived of life, liberty or property, *without due process of*

*law*," in other words, as interpreted, without a regular suit at law, with trial by jury. It further provided that, "in suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved," and he maintained that a suit to recover a fugitive was within the purview of this clause, for a man's freedom was above all price and hence without doubt of more than twenty dollars in value.

He drew a parallel between the Fugitive Slave Law and the British Stamp Act, that had excited the revolt of the Colonies against the Mother country, showing that the same disregard of the provisions of the British constitution, the same denial of the right of trial by jury existed in both. And he insisted that the same injustice in the one had provoked the same resistance as it must in the other, that neither could be enforced. "In the face of an awakened community, where discussion had free scope, no men though supported by office and wealth could long maintain injustice. The Stamp Act was discussed and understood. Its violation of constitutional rights was exposed. In the charnel-house of history, with unclean things of the Past it rots. Thither the Slave Act would follow."

This law, he argued, could not be enforced and, if not, it should be repealed. It lacked the essential support of the public conscience in the States where it was to be enforced. This was the life of every law and without it a statute could be only empty words. The law that could be enforced only by the bayonet, was no law. The attempts to enforce it had been signal failures. At Buffalo, the fugitive was knocked, by a log of wood, against a red hot stove and his trial commenced, while the blood still oozed from his wounded head. At Syracuse, an unexpected mob surrounded the prisoner and rescued him. The same thing occurred in Boston, at the first attempt to execute the law, when a crowd of colored men forced their way into the court-room, rescued the prisoner and allowed him to escape to Canada. In another instance when a slave-hunter appeared in the city to reclaim a fugitive and his wife, by some of the first citizens, they were secreted and conveyed on board a vessel and sent to England. In still a third case, the slave was arrested on the pretext that he was a criminal, only after a deadly struggle, tried, with the weight of the Administration at Washington against him, to make it a test case, in a court-house girdled with chains, convicted and escorted to the vessel, that was to return him to slavery, by three hundred armed policemen, while the pulpit and the people of Boston trembled with indignation at the unaccustomed sight. At Harrisburg, the *fugitive* was shot; at Christiana, the *slave-hunter* was shot. At New York every

attempt to enforce the law was attended with strife. A law that produced no better results should be at once repealed.

Sumner produced an autograph letter of Washington that had never before been made public. He was writing to a friend in the North desiring his good offices in the return of a fugitive slave woman to whom her mistress, Lady Washington, was attached. But he enjoined upon him caution in what he did, that nothing should be done for her recovery that "would excite a mob or riot \* \* \* or even uneasy sensations in the minds of well-disposed citizens." The fugitive was never returned. And Washington never made any farther effort for her recovery—an example of forbearance, in strange contrast with the spirit of this law and of the attempts made to enforce it!

What then was to be the remedy, for the loss by the South of its fugitive slaves? Sumner insisted that the Nation had no power to legislate on this subject, that it was exclusively within the jurisdiction of the States, that each State must determine for itself the precise extent of its obligation and that in any law passed by them the fugitive slaves must not be denied the right of trial by jury and of the writ of *habeas corpus*; that they must be allowed to face and cross-examine the witnesses against them and to testify themselves and to produce evidence in their own behalf.

Sumner occupied three hours and forty-five minutes in the delivery of the speech. The Senate gave him good attention and no one sought to interrupt him. The speech was unexpected but when the word was passed around that he was speaking, the galleries and the floor were soon occupied with persons who wished to hear what he had to say. His colleague John Davis was behind the Speaker's chair when the vote was taken on Sumner's amendment. It was strange doctrine to him. Mr. Seward was also absent and did not vote. Mr. Webster came in during the speech and remained quietly listening for an hour or more. No one knows what thoughts were passing through his mind, but it would have been interesting to see the fitful shadows come and go as the old statesman sat listening to the words of the young man who had dragged his own record to the bar of his constituents and had been returned to the Senate to teach the Nation these very principles of Liberty and Equality that he had betrayed. Already the man to whom he was listening was fulfilling the prediction, that he had made of him when a boy, that his country had a pledge of him.

The Senate did not intend to have a discussion of slavery precipitated upon it, so close to its adjournment. Clemens of

Alabama, who first secured the floor after Sumner, expressed the hope that none of his friends would reply to Sumner's speech, that "the barking of a puppy never did any harm." But the feeling of the pro-slavery Senators was aroused. Badger of North Carolina undertook to reply to Sumner at length. To prove what he claimed was the pernicious influence of Sumner, in inciting the people to acts of violence, he *quoted* largely from his speech in Faneuil Hall, on November 6, 1850, in which he had arraigned the Fugitive Slave Bill. This led Hale of New Hampshire, in answering him, to remark that the *quotations* were the best part of Badger's speech. Weller of California argued that Sumner's course was calculated to bring upon him the blood of murdered men, that whoever "counsels murder is himself a murderer." Twenty Senators took part in the debate but only two, Chase and Hale, defended Sumner's position. It continued until seven P. M. when it was interrupted by Mr. Hunter asking that the consideration of the Appropriation Bill be proceeded with by the Senate. When the vote was taken on the amendment proposed by Sumner there were only four in its favor, Chase, Hale, Sumner and Wade; while forty-seven voted against it. Twelve years later Sumner reported to the Senate and without difficulty carried the repeal of this same law.

The speech revealed to the Senate the character of Sumner. Often before anti-slavery men had appeared in Congress but they hesitated before the superior numbers of the opposition and almost without exception had allowed themselves to be cajoled or driven from the field. With some of them there was an apparent want of sincerity, a half apologetic maintenance of their views. With Hale who was one of the earliest and bravest, there was a disposition to speak lightly of his cause in private conversation, which, with a certain want of aggressiveness in public, gave his colleagues reason to doubt his sincerity. Now the pro-slavery people realized that they had a man to meet in public life, who meant what he said, who never spoke slightly of his cause, who had no doubt he was right, who did not wait for supporters, who belonged to no party and would recognize no party whip and who without fear and without compromise, would fight and if defeated would fight again and still fight on until he was victorious. Here was a man they could not control, a man who had the gift of eloquence, that from his vantage ground in the Senate, gave him a peculiar power of reaching the people. It was this feeling, admitted by them in private, that aroused their violent antipathy to Sumner at a later day.

One of the apparent faults, which even his friends must admit in Sumner's character, was his egotism. He had the most absolute confidence in his own convictions; he did not doubt that he was right in his conclusions and he could not see how others could have opinions different from his and still be sincere. He was intolerant of opposition and aggressive towards those who did not agree with him. He insisted upon pushing his own measures to the front and upon discussing them fully. This often caused friction and created feeling among his colleagues and it was often urged against him as a weakness. His enemies made much of it. But what would Charles Sumner have been in the Senate without it. If he had been of a doubting, hesitating character, questioning his own convictions and deferring to those of others, stopping to be agreeable and waiting the pleasure of his colleagues to present his own measures, what would he have accomplished in the Senate in 1851 and the succeeding years? It was this largely that made him what he was,—the fearless, constant and, finally, successful leader. His times demanded a man not only of his talents, but of his faults also.

His speech satisfied the expectations of his friends. It was what they had looked for when he was elected. The anxiety of some, for fear he had been captured by the society of the Capitol and in consequence had lost his enthusiasm for the cause, and the apprehension of others, who knew him better and appreciated his circumstances and feared that he might not be able to get an opportunity to be heard, alike were turned to a feeling of congratulation over the success he had scored. Wilson, when he read it, pronounced it "glorious" and at once wrote Sumner how pleased he was that God had given him the power to aid in placing such a man in the Senate. William Cullen Bryant, with a touch of sarcasm, declared the speech was the only thing which preserved the character of this Senate. Others thought it the ablest of all Sumner's speeches; while still others, pro-slavery in sentiment, declared it would do more mischief than any speech ever made in the country. Several hundred thousand copies were distributed in America; it was translated into German and two or more editions appeared in England. It had not secured the repeal of the Fugitive Slave Law. Such a result could not be hoped for now. But it was an able presentation of the anti-slavery side of the question, delivered from a position, where it would command attention, printed and circulated under the Nation's frank. It arrested public attention and called a halt in the onward march of events. It also became a mine of argument for the opponents of slavery.

After the delivery of the speech, Sumner continued in his seat for the remainder of the day's session. In the farther consideration of the Appropriation Bill, it was proposed to amend it, so as to allow the widow of Andrew J. Downing, Superintendent of Public Grounds, in Washington an additional allowance, equal to a year's salary, in consideration of her relinquishment of all claim for her deceased husband's models and drawings designed for the Government. Upon this amendment Sumner spoke briefly.

Four days later the Session closed. His brother George had returned from Europe after eleven years absence. He came on to Washington during the session and he and Charles occupied rooms together. Their separation had been a long one but there had been little diminution in the warmth of their affection. Age and attainments had added to their appreciation of one another. They had kept up a frequent correspondence and by the exchange of thoughts and opinions had maintained an interest in each others plans. Charles had been disturbed at George's protracted absence and felt that he was not using precious years to the best advantage. But George had been studying the languages and institutions of European countries and came home thoroughly equipped on these subjects. The Secretary of State, Mr. Webster, wished to avail himself of this knowledge and offered him an appointment in his department, but in the stress of feeling upon the slavery question asked some pledge of a difference of political views from his brother Charles, which George felt would be unbecoming in him to grant and in consequence declined the appointment. George had a high sense of honor and was a careful student of men and events, was more conservative than Charles and had little sympathy for the anti-slavery views of his brother, but he lacked his aggressiveness, his all absorbing industry and his high ideals.

Sumner, as became customary with him afterwards, tarried at the close of the session in Washington. He did not return to Boston till shortly before the Free-Soil State Convention, held at Lowell on September 15. He spoke there briefly, urging the necessity for a third political party devoted to the cause of Freedom. He was received by the convention with enthusiastic demonstrations. But he soon went to Newport to visit his brother Horace and remained there till late in the fall. He took little or no part in the campaign.

In this he made a mistake. The Free-Soilers had hoped with the aid of Democratic votes, to carry the State and secure the seat of John Davis in the Senate and also to elect a Legis-

lature and several Members of Congress. They failed everywhere except in the election of one Member of Congress. In some Districts the majorities against them were exceedingly small. Wilson lacked one hundred votes of an election to Congress; Adams, four hundred; and two others, only two hundred each. The failure of these friends, by such narrow margins, caused some criticism of Sumner's course, at party headquarters, and it found its way into certain journals. But it did not spread widely enough to affect his standing with the masses.

He was tired of politics. He had seen so much at Washington and besides he was not a politician. For his seat in the Senate he had, as yet, little attachment and probably did not care whether he was to continue in it or not. He held it more as a duty that had been laid upon him, which he was to carry through and terminate with honor, than as a prize to be coveted. It had not been a bed of roses for him, but a toilsome road, fraught with criticism and care, involving a separation from his friends and his books. In time these things changed. He lost much of his love of retirement, made warm friends at Washington among his associates, enjoyed the applause of his fellow men, liked to stand in the forefront of the battle and wield a political influence. Perhaps some misgivings at the results of this campaign and of his course in it troubled him; for after this he took an active part in campaigns and recognized his party's claim upon him.

## CHAPTER XX

SESSION OF 1852-3—MEMBER OF MASSACHUSETTS CONSTITUTIONAL CONVENTION—CAMPAIGN OF 1853—COALITION DEFEATED—SUMNER'S ISOLATION—NEBRASKA DEBATE—ITS EFFECT—PETITION TO REPEAL FUGITIVE SLAVE LAW—THE DEBATE—RECEPTION AT HOME—JOINS THE REPUBLICAN PARTY—LECTURE ON GRANVILLE SHARP

DURING the session of Congress commencing December 1, 1852, and ending March 4, 1853, there was no general discussion in the Senate of the slavery question. The Presidential campaign had just closed and the session being short, each side was content to let it rest for the present. Sumner was diligent in his attendance upon the meetings of the Senate, but did not take much part in the discussions. He spoke twice only; once, advocating a bill authorizing the President to appoint Superintendents for the Armories, who did not belong to the Army; and once against secrecy in the proceedings of the Senate. He was still excluded from a place on the Committees of the Senate because "*he was outside of any healthy political organization.*" He was not a controlling factor in its deliberations. He had not been in the Senate long enough to acquire that readiness in its current business which he displayed after the advent of his party to power in 1861. Seward urged him to greater activity in this direction and his friends at home thought he could thus remove the imputation of his enemies that he was a man of one idea.

But he still felt ill at ease in the Senate. "You may be curious, dear William," he wrote Story at Rome, "to know how I regard my Senatorial life. Very much as I anticipated. My earnest counsel to all would be to avoid public life, unless impelled by some overmastering conviction or sentiment which could best find utterance in this way. Surely, but for this I would not continue in it another day. To what the world calls its honors I am indifferent; its cares and responsibilities are weighty and absorbing. I no longer feel at ease with a book; if I take one to read my attention is disturbed by some important question which will tramp through my mind. How often I think with envy of you at Rome enjoying letters and art! No such days for me! At Washington I have much social kindness,

beyond anything I have known of late in Boston. With most of the Southern men my relations have been pleasant, while with Soule I have been on terms of intimate friendship. Here in Boston, Hunkerism is very bitter; Webster's friends are implacable. The Courier, which is their paper, has attacked Dana and myself; and others like to show their spite also. The Webster dementia has not yet passed away."

To another correspondent he wrote: "On the floor of the Senate I sit between Mr. Butler of South Carolina, the early suggester of the Fugitive Slave Bill and Mr. Mason of Virginia, its final author, with both of whom I have constant and cordial intercourse. This experience would teach me if I needed the lesson to shun harsh and personal criticism of those from whom I differ." But we shall see that this friendly relation did not continue long.

During his absence from Massachusetts, the second convention was called to revise the Constitution of the State. The existing one was framed in 1780 and a convention had been called to revise it in 1820. The proposition for its revision now came from and was carried by a coalition of the Free-Soilers and the Democrats. Its purpose was to change the basis of representation in the Legislature and secure some minor changes. The basis of representation was not satisfactory to the Free-Soilers and Democrats. As it was, it permitted the cities, the centres of Whig strength, to vote for the whole number of members to which they were separately entitled. For instance, Boston was entitled to forty-four members. If any one of them were elected, the whole forty-four were reasonably sure to be. As the city of Boston was almost certainly Whig, this gave her an immense power in legislation. Certain districts of the city were Free-Soil and certain others Democratic. If the city was districted both of these parties might hope to elect some members. But under the existing plan of voting a general ticket, there was no hope of the Democrats or Free-Soilers electing a member, while the Whigs maintained their present majority in the city.

The manner of choosing members of the Convention permitted districts to elect citizens of the State who were not residents of the district. Wilson who was the leading spirit of the coalition, and whose influence was felt everywhere, was diligent in suggesting the names of prominent Free-Soilers and even Democrats, who had no hope of an election in their home districts, to other districts and advising their nomination where he knew they were strong. This would secure greater certainty of their election and likewise the services of abler men in the

Convention, than might otherwise be chosen. In this way the name of Sumner was suggested to the Marshfield district and he was nominated and elected in his absence. It was Webster's home district and he was elected over Webster's son Fletcher, who was the candidate of the Whigs. It was not according to Sumner's wish. For the sitting of the Convention would occupy his vacation for rest and recreation and he had already planned a visit to the West where he had never been. But he gave up his cherished trip and consented to serve, feeling that it was a duty he owed to his party and his friends.

In point of ability, the Convention well represented the State. Among its members were Rufus Choate, George S. Boutwell, Henry Wilson, Henry Dawes, Robert Rantoul, Sr., Marcus Morton, afterwards Chief Justice of the State, R. H. Dana, Jr., Geo. S. Hillard, Simon Greenleaf, B. F. Butler, N. P. Banks, afterwards Speaker of the House of Representatives, and others hardly less prominent. Adams was a candidate, but was not elected. Palfrey failed of a nomination. It began its sessions in Boston on May fourth.

The work of the Convention upon the different parts of the Constitution was apportioned to separate committees. Sumner was made chairman of the committee on the Bill of Rights. He was also a member of the committee to draft the propositions to be submitted to a vote of the people. He prepared a clause, providing how other conventions to revise the Constitution, in the future, might be called, which was adopted. He was diligent in his attendance at the sessions of the Convention and in the work of his committees. The committee on the Bill of Rights, of which he was made chairman, held twenty sessions, more, as Sumner believed, than any other committee. When its work was completed Sumner made its report to the Convention, accompanying it with an address in which he reviewed the work of the committee, set forth the reasons for the changes they had made and reviewed the origin and history of the Bill of Rights as a part of our Constitution.

In a convention numbering among its members so many able speakers it was natural that there should be much good speaking. The palm of eloquence in its deliberations, was generally conceded to Rufus Choate, then in the full tide of his professional success and ever one of the most accomplished men. But Sumner had his admirers. They regretted, however, that he did not mix more freely in the miscellaneous debates of the Convention and observed that he seemed diffident about speaking, except on important questions, after the most careful preparation. Among experienced legislators, this would be con-

sidered a virtue, in a young member. He addressed the Convention in favor of a provision, that in the organization of the volunteer military companies of the Commonwealth, there should be no distinction on account of color or race. He spoke again on the absorbing question of the Convention, the representative system, and its proper basis. The latter speech was longer than the limit fixed by the Convention allowed, but by unanimous consent, he was permitted to continue. He advocated the abolition of the general ticket system theretofore allowed to cities, and thought the members should be distributed to towns according to the number of voters, but where, by reason of population, a town was entitled to more than one member, the town should be divided into districts so that no voter should be allowed to vote for more than one member. The Convention favored and adopted the abolition of the general ticket, but reduced the representation of the cities below their numerical proportion and continued the non-representation of small towns during a part of the decade, except when they provided otherwise themselves, by a union with other towns. No one advocated the existing system. Though the views of Sumner did not all prevail, he readily acquiesced in the work of the Convention. He especially favored the abolition of the general ticket system and regarded this change as a distinct improvement on the old practice.

Among other changes incorporated in the proposed Constitution, there was a limitation of the judicial term to ten years, after the expiration of existing terms. It also proposed the election of judges of probate and made other offices, heretofore filled by appointment of the Governor of the Commonwealth, elective; and it submitted to the people a proposition to forbid the appropriation of public money to the support of sectarian schools.

The Convention adjourned on the first day of August, 1853. It remained for its work to be approved by a vote of the people. At first this seemed to be easy of accomplishment. The Free-Soilers held their convention and nominated Wilson for Governor and there was hope of his election, by a coalition with the Democrats. The campaign opened vigorously, Sumner entered into it with earnestness. He spoke for the Constitution and Free-Soilers, to large audiences at seventeen places—Springfield, Lowell, Fall River, Worcester, Marshfield, among the rest,—closing at Boston. His audiences were large and attentive, and by reason of the constitutional element in the discussion, he was heard more than he had been, by men of other parties. In this, the Constitutional Convention was an advantage to him.

Both in the Convention and on the stump this fall, he extended his acquaintance and made the impression upon his hearers that he was not only a reformer, but a sagacious and practical man of affairs and a scholarly gentleman, not a mere crank, on the slavery question, as he had been held up by the Whigs. His speech on the stump satisfied his hearers. We are told that he usually spoke two hours and a half and that his audiences continued with him to the end.

As the campaign progressed, however, dangers appeared for the success of the Constitution and the coalition. Adams who had been defeated and Palfrey who had not been made a candidate, both came out against the Constitution; the former in a speech and the latter in a public letter, which was reprinted and sent broadcast over the State. They were both well known as Free-Soilers. The Whigs had already declared in their platform against it, and this unexpected defection encouraged them; on the eve of the election, Caleb Cushing who had been made the Attorney-General in President Pierce's cabinet, also appeared in a letter, in which the Democrats were given to understand that there must be no more of the coalition with Free-Soilers, that this heresy must be trampled out and that any violation of this edict meant exclusion from office under the new administration. The Catholics were against the Constitution because of their threatened exclusion from a division of the school tax and the cities because of the reduction of their representation. This was altogether more than the Constitution could bear and the coalition went down with it, under more than five thousand majority, as against ten thousand by which they had carried the proposition for a Convention. The Whigs elected the Governor and the Legislature. In their mad glee over the result they went so far as to open still wider their breach with the anti-slavery men. Little did they then think that the next election would witness their utter defeat, soon to be followed by the breaking up of the party and the placing of Wilson, the defeated candidate of the Free-Soilers for Governor, in the Senate as Sumner's colleague.

Sumner's position was more isolated than ever. He was denominated a Senator without a party and he was called upon to resign his seat because he was without support among the people of his State. His friends were told that their party was dead and that they themselves were dupes. They were met in the streets by cold looks and by taunting treatment. Wilson felt it keenly, by reason of his prominence in the movement and to avoid the reception he met with, on the crowded thoroughfares, he chose the less frequented streets to reach his place of busi-

ness. Boston was especially intolerant of the new party and showed much ill-feeling towards its leaders. At the close of the Constitutional Convention, at a dinner given in commemoration of the embarkation of the Pilgrims, Sumner had given expression to his own feeling of isolation in the response to his toast. After briefly referring to the Puritan triumph under Cromwell and their subsequent weight of poverty and exile and the still later influence of their example in America, he said :

“ And these outcasts, despised in their own day by the proud and great, are the men whom we have met in this goodly number to celebrate,—not for any victory of war,—not for any triumph of discovery, science, learning or eloquence,—not for worldly success of any kind. How poor are all these things by the side of that divine virtue which amidst the reproach, the obloquy and the hardness of the world made them hold fast to Freedom and Truth ! Sir, if the honors of this day are not a mockery, if they do not expend themselves in mere self-gratulation, if they are a sincere homage to the character of the Pilgrims,—and I cannot suppose otherwise,—then it is well for us to be here. Standing on Plymouth Rock at their great anniversary, we cannot fail to be elevated by their example. We see clearly what it has done for the world, and what it has done for their fame. No pusillanimous soul here to-day will declare their self-sacrifice, their deviation from received opinions, their unquenchable thirst for liberty an error or illusion. From gushing multitudinous hearts we now thank these lowly men that they dared to be true and brave. Conformity or compromise might, perhaps, have purchased for them a profitable peace, but not peace of mind ; it might have secured place and power, but not repose ; it might have opened present shelter, but not a home in history and in men’s hearts till time shall be no more. All must confess the true grandeur of their example, while in vindication of a cherished principle, they stood alone, against the madness of men, against the law of the land, against their king. Better the despised Pilgrim, a fugitive for freedom, than the halting politician, forgetful of principle ‘ with a Senate at his heels ’.”

Even this expression, touching as it seems now, in the light of his position, was made the occasion of criticism. Nothing an anti-slavery man could say, then satisfied the carpenter apologist of slavery. But John G. Whittier, always ready with encouragement for the good, saw Sumner’s speech differently and wrote that its tone and bearing were unmistakable and yet unobjectionable, though when he first read the toast

assigned to him,—*The Senate of the United States*,—he thought it a very unpromising text!

But events were fast crowding on that were to work a revolution in public sentiment even in conservative Boston. Sumner was in his seat at the opening of the next session of Congress. On the 14th day of December, 1853, a bill was introduced in the Senate to organize the Territory of Nebraska. It contained no reference to slavery; but the Territory was comprehended in that from which the Missouri Compromise of 1820 forever excluded slavery. It lay north of longitude 36° 30'. The bill was referred to the Committee on Territories of which Stephen A. Douglas was chairman. On the 4th day of January, 1854, the Committee reported this bill back, but with an amendment, declaring that the States formed out of this Territory should be admitted into the Union with or without slavery as they should desire. An amendment was offered to this bill by a Kentucky member, that the existing prohibition of slavery should not be construed so as to apply to the Territory contemplated by this act or any other Territory of the United States, but that the citizens of the several States or Territories should be at liberty to take and hold their slaves within any of the Territories of the United States or of the States to be formed therefrom. Sumner thereupon offered an amendment that nothing in this act should be construed to abrogate the Act of 1820, whereby slavery was forever prohibited in that territory. On January 24th, Douglas from the Committee submitted a new bill as a substitute, whereby the Territory was divided into two, Kansas and Nebraska, and it was formally declared that the prohibition of slavery in them was superseded by the Compromise of 1850. Thus the question, suggested by Sumner's amendment, was squarely made, whether the Compromise of 1820 was to be declared repealed and all the territory of the United States, comprehended in the Louisiana Purchase, was to be opened to slavery.

This was a startling proposition presented to the Free States and to the opponents of slavery. The compact that was made by the Slave States, to secure the admission of Missouri, with slavery, was now proposed to be repudiated at the very time when it was becoming effective in favor of freedom, by reason of the rush of emigration Westward. It had stood as one of the "Landmarks of Freedom" for a generation. People had come to regard it as one of the impassible barriers that had been set to slavery. But slavery to which concession after concession had been made, to secure these compromises, proposed to make a complete repudiation and having received the benefits of the

comtract to repudiate the burdens it had assumed to get them. It proposed to make the territory hitherto reserved to Freedom all slave. The people of the Free States paused and asked themselves if such a thing could be true.

Douglas was a bold and enterprising man. Having once committed himself to the proposition he pressed it vigorously. The bill was introduced in the Senate on January 23. On the next day when it had just been laid upon the desks of the Senators, he pressed its consideration on the Senate, and only after debate was it postponed till January 30, six days, when it was to be the special order, till brought to a vote. This was haste. Anti-slavery men felt that a matter of such importance should be considered with more deliberation. The country had no opportunity in so short a time to be made acquainted with its provisions. But its advocates did not wish a general discussion of it, believing they had nothing to gain by such a course; while its opponents were determined the people should understand it.

Sumner and Chase, at once issued an address to the country, signed by themselves and a few Representatives, styling themselves Independent Democrats. It was written by Chase and set forth, in strong language, the danger of the hour and the necessity for prompt action on the part of the people to prevent their Representatives in Congress from passing the bill and thus consummating another encroachment of slavery. The address was circulated largely and did much to awaken the people to the importance of the occasion. But the country is large and it takes time to reach the people widely scattered in their homes and impress upon them the necessity for action. With inferior mail facilities it took more time then than now. The people awoke slowly but the gravity of the situation impressed thinking men. It brought Abraham Lincoln from the retirement of his practice as a country lawyer. As the debate proceeded in Congress, the country became deeply interested. In some sections the ministers by agreement on a certain sabbath, preached a sermon against it in their churches. It was thus made a moral question and as much as possible divorced from party connections. Only a short time before the country had been assured that the compromise of 1850 adjusted the slavery question forever and yet within a few months the South was presenting, with increased boldness, and demanding greater concessions than ever before. Thoughtful people might well ask themselves what all these compromises were worth procured at the expense of so much trouble and contention.

In opening the debate, Douglas referred in severe terms to the

address that had been issued by the "Independent Democrats" and directed much of his speech, coarse in its terms, to Sumner and Chase, who had been the only members of the Senate to sign it. Douglas was recognized as a candidate for the Presidency and his conduct was supposed to be influenced by his effort to get the votes of the South. As soon as he closed, Chase was on his feet to reply to the personal references to himself. He was followed by Sumner who spoke briefly only admitting his responsibility for the address, calling attention to the importance of the measure and protesting against the "galloping speed" with which it was being pressed for passage, before the people could be heard. But both Sumner and Chase reserved their real speech on the question till a later time. Thus opened the great *Nebraska Debate* which was to occupy the attention of the country for months and whose ultimate issue was to be the Civil War.

Three weeks later, Sumner spoke again and fully on the question. At the outset, in his speech, he declined to make any answer to the epithets Douglas had used towards him and Chase. The issue contained in the bill he thought too great to be dwarfed by any personal consideration. Nor would he take time to argue the question whether the prohibition in the law of 1820, had been repealed by the law of 1850. He merely suggested that the compromise of 1850 did not pretend in terms to touch this prohibition, that the Territories it related to, Utah and New Mexico, were not to be affected during their existence as Territories, but when they came to be admitted as States; that during all the discussion of the act of 1850 no one mentioned it as affecting this Territory; and it expressly said it was not to change the resolution annexing Texas, wherein the prohibition of the Missouri Compromise was expressly reaffirmed.

But Sumner made two points in his speech explicitly and he enforced them with all his power; First, This bill was an infraction of solemn obligations assumed beyond recall by the South on the admission of Missouri as a slave State; Second it was an unjustifiable departure from the original Anti-slave policy of our fathers.

In establishing his first proposition, he went at length into the history of the Compromise of 1820 to show that it was distinctly a measure originating with the Slave States and voted for by their Representatives, in both Houses to secure what they sought, the admission of Missouri as a slave State. They plighted their solemn faith that the covenant then made by them should be faithfully kept. On the part of the North, it

had been; while the South now refused to execute it. He scouted the idea that it was not a binding contract. He said a subtle German had declared that he could find heresies in the Lord's Prayer and he believed it was only in this spirit that any flaw could be found in the obligations of this compact.

In support of his second proposition, he followed the same course of reasoning that he had in his speech on the Fugitive Slave Law, but pursued it with less particularity than before. He insisted that there had been three stages in our National development, first, when the policy of the Government had been all for Freedom; second, when only half so; third, when all was grasped by Slavery, that as late as 1820, John W. Taylor a Representative from New York, who openly advocated the prohibition of slavery in the Territories and its restriction in Missouri was elected Speaker of the House, while such a man now was disqualified for a National office. He insisted that only a man of known pliancy to slavery, could now be elected to such a place.

With Douglas in his mind as a candidate for the Presidency, he said: "The race of men, 'white slaves of the North,' described and despised by a Southern Statesman, is not yet extinct there. It is one of the melancholy tokens of the power of slavery, under our political system and especially through the operations of the National Government, that it loosens and destroys the character of Northern men, exerting its subtle influences even at a distance,—like the black magnetic mountain in the Arabian story, under whose irresistible attraction, the iron bolts which held together the strong timbers of the stately ship, floating securely on the distant wave, were drawn out till the whole fell apart, and became a disjointed wreck. Alas; too often those principles which give consistency, individuality, and form to the Northern character, which render it staunch, strong and seaworthy, which bind it together as with iron, are sucked out, one by one, like the bolts of the ill-fated vessel, and from the miserable loosened fragments is formed that human anomaly, *a Northern man with Southern principles*, Sir, no such man can speak for the North."

The term of Sumner's colleague, John Davis, had expired and Edward Everett had been elected to his place. He came to the Senate with a wide reputation, for scholarship and graceful oratory. As President of Harvard College, where Sumner's affections were deeply rooted, he and Everett had been brought much into contact and had enjoyed friendly relations. But there was a wide difference between them. Sumner represented the extreme anti-slavery men of the States, while Everett was

the champion of the aristocratic, conservative and commercial Whigs. He was the friend and editor and biographer of Daniel Webster. He was not of an aggressive temperament. He had been educated for the ministry and deprecated controversy; was a man before whom Disunion could be held up with all its terrors and he, like Douglas, had hopes of the Presidency. Sumner and Everett probably came together, with the determination unexpressed, that there should be no break between them and yet no intimacy. At the beginning of the session and of his term, Everett had objected, in the Whig caucus, to Sumner receiving a place on any committee of the Senate, saying that, while he wished to continue his friendly relations with him, he was unwilling to see any action that would recognize him as a Whig. Sumner was accordingly excluded, though Seward and Chase were both given places.

After some effort to discover the feeling of his constituents as to the Nebraska Bill, Everett had opposed it by a speech in the Senate, not vigorously but in well-turned phrase. He reiterated the same argument that Webster had made on the Compromise of 1850, as to California. He could not see that the legislation was vital to Nebraska, for, whatever the fate of the bill, he thought the climatic and physical conditions were such as to forever exclude slavery from this Territory.

Sumner was prepared for this argument. In answering him he said he felt obliged kindly but most strenuously to dissent from this view. There was Missouri, he said, with Illinois on the east and Nebraska on the west, all covering nearly the same spaces of latitude, and resembling each other in soil, climate and natural production. But mark the contrast! By the ordinance of the North West Territory Illinois became a free state, while Missouri had more than eighty-seven thousand slaves. Climatic and physical conditions had not determined the difference, but the laws of man; and the simple question was whether Nebraska should be preserved in the condition of Illinois or surrendered to that of Missouri.

Sumner felt that the passage of this bill was meant to open to slavery not merely Kansas and Nebraska, but all the Territories comprised within the Louisiana Purchase, in other words, all between the British possessions on the North and the Rocky Mountains on the west. In this view it concerned an immense region larger than the original Thirteen States, vying in extent with all the Free States, "stretching over prairie, field and forest, interlaced by silver streams, skirted by protecting mountains, and constituting the heart of the North American continent, only a little smaller than the three great European countries

combined,—Italy, Spain and France—each of which in succession had dominated over the globe.” It was for such a territory, he said, they were legislating and establishing rules of polity which would determine its future character. According to the existing law this territory was guarded against slavery by the law of 1820, enacted preparatory to the admission of Missouri as a State. It was now proposed to set aside this prohibition.

This sweeping aspect of the bill impressed the people of the North. True the bill only applied to Kansas and Nebraska in terms, but if the prohibition of 1820, applying to them, was destroyed, by the act of 1850, it must be destroyed as to every acre of land which the law of 1820 protected. So that notwithstanding the haste with which Douglas had pressed its passage, the bill continued before Congress, with little interruption, for six months. Remonstrances against it came from various sources and were presented to both Houses. The clergy preached against it and held meetings to devise means to defeat it. Those of New England sent a memorial signed by more than three thousand ministers. It was presented to the Senate by Edward Everett, Sumner’s colleague. It awakened some feeling,—Douglas and Mason especially taking exception to this interference of the ministry with political affairs. They criticised the form of the remonstrance, which commenced with the words, “In the name of Almighty God and in His presence.”

When the bill came up for final passage in the Senate on the 25th day of May, Everett had tendered his resignation as Senator and was detained from the session by sickness. In his absence, late at night, it fell to Sumner’s lot to present separate, remonstrances from some citizens of New York, from the Society of Friends, from the Baptists of Michigan and Indiana and one hundred and twenty-five remonstrances from clergymen of different denominations in New England. He had already done all he could to prevent the passage of the bill, had opposed it from the beginning, had appealed to his colleagues, reasoned with them, spoken against it, appealed to the people to exert their influence with their Representatives against it. But with all his efforts, its passage now seemed certain. Standing almost alone, with the darkness of night without and the consummation of this wrong before him, knowing that nothing he could say or do would avert it, his words had a sad and almost prophetic meaning:

“It is now midnight,” he said. “At this late hour of a session drawn out to unaccustomed length, I shall not fatigue the Senate by argument. There is a time for all things and

the time for argument has passed. The determination of the majority is fixed; but it is not more fixed than mine. The bill, which they sustain, I oppose. On a former occasion I met it by argument which though often attacked in debate, still stands unanswered and unanswerable. At the present time I am admonished that I must be content with a few words of earnest protest against the consummation of a great wrong. Duty to myself and also to the honored Commonwealth of which I find myself the sole representative in this immediate exigency, will not allow me to do less.

"But I have a special duty which I would not omit. Here on my desk are remonstrances against the passage of this bill, some placed in my hands since the commencement of the debate to-day, and I desire that these voices direct from the people should be heard. With the permission of the Senate I will offer them now." \* \* \*

"With pleasure and pride I now do this service and at this last stage, interpose the sanctity of the pulpits of New England to arrest an alarming outrage, believing that the remonstrants from their eminent character and influence as representatives of the intelligence and conscience of the country, are peculiarly entitled to be heard,—and further, believing that their remonstrances while respectful in form, embody just conclusions both of opinion and fact. Like them, Sir, I do not hesitate to protest against the bill yet pending before the Senate as a great moral wrong, as a breach of public faith, as a measure full of danger to the peace, and even existence of our Union. And, Sir, believing in God as I profoundly do, I cannot doubt that the opening of an immense region, to so great an enormity as slavery, is calculated to draw down upon our country His righteous judgments."

He then referred to the criticism of the clergymen for taking part in the controversy and of the wording of their remonstrance. He reminded Senators that there was a time when New England was governed more by the prayers of the clergymen than by the acts of the Legislature and that in remonstrating "in the name of Almighty God," they only obeyed the scriptural injunction, "do all in the name of the Lord."

"Sir," he continued, "*the bill you are about to pass is at once the worst and best upon which Congress ever acted.*" \* \* \*

"It is the worst bill inasmuch as it is a present victory of Slavery. In a Christian land and in an age of civilization, a time-honored statute of Freedom is struck down, opening the way to all the countless woes and wrongs of human bondage. Among the crimes of history, another is soon to be recorded

which no tears can blot out and which in better days will be read with universal shame. \* \* \*

"There is another side to which I gladly turn. Sir, it is the best bill on which Congress ever acted; *for it annuls all past compromises with Slavery and makes any future compromises impossible.* Thus it puts Freedom and Slavery face to face and bids them grapple. Who can doubt the result? It opens wide the door of the future, when at last, there will really be a North, and the Slave-Power will be broken,—when this wretched Despotism will cease to dominate over our Government, no longer impressing itself upon everything at home and abroad,—when the National Government will be divorced in every way from Slavery, and according to the true intention of our fathers, Freedom will be established by Congress everywhere, at least beyond the local limits of the States. \* \* \*

"Sorrowfully I bend before the wrong you commit. Joyfully I welcome the promises of the future."

As Sumner had predicted, the bill passed by a large majority in each House. He had solemnly warned them: "Not in this way can peace come. In passing such a bill as is now threatened, you scatter from this dark midnight hour, no seeds of harmony and good-will, but broad cast through the land, dragon's teeth which haply may not spring up in direful crops of armed men, yet, I am assured will fructify in civil strife and feud."

This prediction seemed to be fulfilled sooner than he expected. On May twenty-fourth, Anthony Burns, a negro was seized in Boston as a fugitive slave on the claim of a citizen of Virginia and was confined by the Marshal in one of the rooms of the Court House. On the evening of May twenty-sixth, after a meeting of Abolitionists in Faneuil Hall, a mob attacked the guards and one of them, James Batchelder, was killed. The affair created a great sensation in Washington, where the impression made by Sumner's speech on the public mind wrought up over the consideration of the bill, was still fresh. By some of the frenzied defenders of Slavery, the tragedy in Boston was attributed to the influence of Sumner's speech upon his constituents. A moment's thought would have shown that there could be no connection between the two events; for the speech was made so late that the report of it could not have reached Boston, by the means of communication they then had.

But Slavery was unreasonable. It was entering upon that career of madness which was to end in its destruction. Feeling was running high. Threats of violence and lynching were

freely made against Sumner and the editors of some of the city papers were evidently not caring if this result did follow. They held him up as an example of the mercy of the slave-holders who permitted him to go unharmed on the streets of Washington, while by his speeches in the Senate, he incited mobs to riot and murder, if a citizen of the South went to Boston to reclaim his property. They told him if legal rights could only be secured at the point of the bayonet in Boston, he would have to walk more circumspectly in Washington. The suggestion was made that the feeling against him and "his infamous gang might be allowed to descend to personal violence." He was insulted and threatened in the restaurant where he took his meals. A conspiracy was proposed in Alexandria to seize him as a hostage for the return of the slave Burns, still in Boston, to inflict personal violence upon him, to put a bullet through his head; and he was warned to leave Washington. But Sumner disregarded them. If harm came to him, he quietly said to solicitous friends, it would find him at his post.

Dispatches from Washington to the New York Times and other papers communicated to friends his danger. They were apprehensive lest the feeling they knew the death of Batchelder created, would be visited on him. Joseph R. Hawley, then a young editor of Hartford, since a General in the war of the Rebellion and a Governor and U. S. Senator of Connecticut, offered to go on to Washington and be at hand armed and ready to protect him, if violence should be offered. But Sumner declined.

A month later a bill was introduced in the Senate to pension the widow of Batchelder. Sumner and Seward submitted a minority report against it, which was prepared by Sumner. Batchelder was an ordinary truckman who had three times volunteered his services to assist the Marshal in executing the Fugitive Slave Law. The minority report insisted that there was no precedent for a pension except for service in the army or navy, in neither of which he was, and that none should be granted to persons injured in the execution of this law. But the bill carried.

One of the exciting battles in the anti-slavery war was ended with the vote on the Kansas-Nebraska Bill. Apparently it had been fought to no purpose. Slavery, as usual, had been successful. True there had been an increase in the number of anti-slavery votes, both in the House and Senate, but what did Slavery care; she had never counted her votes the same, from year to year. The result in this respect was not unusual.

Nor was it unusual that she had to fight for her victory. She had been doing this for years; and she had fought no harder now than for the Compromise of 1850. And she had become so strong that she could be insulting to her opponents and yet successful. She had reached her highest power in extent of territory.

And yet, with all this, she was weaker than she had been for many years. The anti-slavery men had made a distinct advance, not in a material way, but in the hold they had gained on the popular mind. At last conservative and thinking men were becoming convinced that the slave power must be controlled. The mercantile classes of Boston were accepting this view. As evidence of it, a petition for the repeal of the Fugitive Slave Law, placed in the Merchants Exchange, in Boston, had received nearly three thousand signatures, many of them of persons who had been vigorously opposing Sumner's work. And Massachusetts had sent to the Senate, to fill the place of Edward Everett, who had resigned, Julius Rockwell; and for the first time Sumner had a colleague who would vote with him. There were favorable signs also in other States. The administration party had been defeated in the President's own State, New Hampshire. Connecticut had sent a Free-Soiler to the U. S. Senate. Anti-slavery men had grown largely in numbers in the North. So the fight that Sumner and Chase had led in defence of the Missouri Compromise was not in vain.

The feeling against slavery having been once aroused was not so easily allayed. When the Merchants Exchange petition was brought from Boston, for the repeal of the Fugitive Slave Law, it was presented in the Senate by Rockwell and, after reading it, with a few remarks, he moved that it be referred to the Judiciary Committee. A controversy at once arose which continued for some days. Here was another evidence of the distinct advance of anti-slavery sentiment in Congress. In the Senate such petitions had often been treated unceremoniously; frequently, by motion, without reading and without reference to any committee, being laid upon the table, never to be heard of again. With all the feeling that this one provoked, no attempt was made to stifle it now.

In the House, there had been in force what was known as the "Gag Rule." It provided that all petitions on the subject of slavery should be referred to the appropriate committees without reading. Year after year, John Quincy Adams had moved the repeal of this rule and had insisted on debating the question. Year after year he had been defeated. But defeat had no terrors for him, when he believed he was right.

If the rule was continued the next year he renewed the fight to repeal it; and it was at last repealed. The friends of Freedom could hail these things as the light of returning day.

After the petition presented by Rockwell had been read and the motion made to refer it to the Judiciary Committee, Jones of Tennessee took the floor. The petition showed that not only had the apprehension of Burns been resisted, with fatal results, but that there had been no diminution of the popular feeling against the law and that public sentiment was becoming stronger than ever in favor of its repeal and was demanding it as essential to the public peace in the North. Jones insisted that such petitions and the speeches that supported them were inciting people over the country to riots and the shedding of innocent blood, while the real authors of the trouble were keeping themselves at a safe distance. This brought Rockwell to his feet in defence of the petition. He was followed by Jones again, and Broadhead of Pennsylvania. Sumner and Massachusetts were the especial objects of their invective. Sumner's midnight speech, at the close of the debate on the Kansas-Nebraska Bill still angered them. They insisted that such petitions and speeches would soon end in the disruption of the Union, and that the repeal of the Fugitive Slave Law would have the same tendency.

Sumner promptly replied. He dismissed the claim that the repeal of this law would destroy the Union, by saying that if the Union depended for its existence on any such poor pretext it ought to continue no longer. He admitted that many of the signers of this petition were supporters of the Compromise of 1850; and he reminded Senators that the change as shown was only typical of the change in the community. Once the upholders of the law, they now, after seeing its workings demanded its repeal. Representatives of the conservative, mercantile classes had placed themselves in the front of this movement. So far as the speakers had arraigned him personally he said he did not care to speak. He had always been opposed to this law openly and sincerely and he was opposed to it still and he could only repeat what he had often said in giving his reasons for its repeal. But these were considerations personal to himself. For Massachusetts who had been attacked with him he did not feel the same indifference. He referred briefly to her record in the Revolutionary War and reminded them that near this very Court House, where Burns was confined, the first blood had been spilt in the conflict for Independence and that among those early victims was one of the despised race. He insisted that the Senate receive the petition

and he warned them that there was a plant that was said to grow when trodden upon. By denying the right of petition, they provoked the very spirit they would repress.

Sumner's speech was followed by a debate, seldom equalled in anger and excitement. Butler of South Carolina, Mason of Virginia, Clay of Alabama, Mallory, Dixon and Petit, the most extreme apologists of slavery, all took part. They were especially venomous towards Sumner who thus far, while he had not spared slavery, had declined to exchange personalities with its advocates. They probably thought they could attack him with impunity and bully him into silence. All sorts of epithets were applied to his speech.

Butler called it a "species of rhetoric intended to feed the fires of fanaticism in his own State"; "a fourth of July oration", "vapid rhetoric" and added: "If sectional agitation is to be fed, by such sentiments, such displays and such things as come from the honorable gentleman near me, I say we ought not to be in a common confederacy, and we should be better off without it."

He admitted that the return of fugitive slaves had perhaps better have been left to the State than to the United States officers. But he doubted whether, if it had been left to the States, they would have returned the fugitives. And he turned to Rockwell and asked if it were so left, after trial by jury or other proper mode, Massachusetts would return a fugitive. Rockwell made no answer. He thereupon turned to Sumner and with a good deal of impetuosity, demanded: "Will this honorable Senator tell me that he will do it?" To which Sumner replied: "Does the honorable Senator ask me if I would personally join in sending a fellow man into bondage? Is thy servant a dog that he should do this thing?" The answer angered Butler and he retorted: "You stand in my presence a co-equal Senator and tell me that it is a dog's office to execute the Constitution of the United States." To which Sumner replied: "I recognize no such obligation," meaning that he felt under no obligation to assist in the return of a fugitive slave. But the Southerners insisted on construing what he had said, as meaning that he, a Senator under oath to obey the Constitution, recognized no obligation to obey it. At best with his words capable of the construction he gave them and Sumner so explaining them, their conduct in persistently misinterpreting them was mere pettifogging. This incident gave the personal turn to the debate.

Mason followed Butler, declaring that "the dignity of the American Senate had been rudely, wantonly, grossly assailed

by a Senator from Massachusetts," denouncing Sumner for having had the hardihood to call "a gentleman from Virginia," because he had gone to Boston to recover his property, "a slave hunter" and bragged that the law had done its office in Boston and this too in the presence of a mob, incited by Sumner and his associates, who sat in the Senate and kept themselves aloof from danger, while they excited others to treason and deserved for themselves a traitor's doom. Then turning to Sumner, he broke out: "Why, Sir, am I speaking of a fanatic, one whose reason is dethroned? Can such a one expect to make impressions upon the American people, from his vapid, vulgar declamation here, accompanied by his declarations that he would violate his oath now recently taken?"

These gentlemen who were ringing the changes on the violation of oaths were soon to be conspicuous in Rebellion against the Constitution and laws of the country, they had sworn to support.

They were followed in the debate by Petit of Indiana, who consumed the balance of the day arguing that the view taken by the Abolitionists of the Declaration of Independence, "made it a self evident lie," etc., and illustrated his argument to prove that all men could not be equal, by saying that Sumner was no more the equal of Webster than "the jackal was the equal of the lion or the buzzard the equal of the eagle." The President of the Senate twice interposed, to call him to order. Before he finished his speech the Senate adjourned for the day and the consideration of the question went over till June twenty-eighth, the intervening day being occupied with other business. Petit then concluded, affecting to believe that Sumner had declared he did not regard the sanctity of his oath.

When Petit closed a motion was made to lay on the table, but Sumner claimed the privilege of answering the assaults that had been made upon him. Other Senators also opposed these efforts to stifle the debate and the motion was lost. Mallory of Florida and Clay of Alabama then both spoke in the same vein, gibing at Sumner as holding himself irresponsible to the obligations of either law or honor, referring to him as a "miscreant," or "a serpent" who ought to be "robbed of his fangs."

When Sumner gained the floor he declined to bandy personalities. He did not mention them except to suggest that for the honor of the Senate, such exhibitions should not occur. But he said he was reminded by them, as he was sure other Senators were, of the remark of Jefferson, that a man must be a prodigy, who could retain his manners and morals undepraved by the sight of the commerce between master and slave. While

these Senators were speaking he was sure "the Senate chamber must have seemed to them a plantation well stocked with slaves, over which the lash and the overseer had full swing." He replied to Mason's complaint of his calling the master of Burns "a slave hunter," by saying that a blush was the sign of virtue and he was glad to see one, which even his plantation manners could not conceal, mantling the cheek of the honorable Senator.

Sumner objected to the comparison Senators made of the South with the North, in the Revolution, and the claim they made that Independence had been won by the Southern States. He insisted this was not the first time they had made such comparisons. Butler at this point arose and said he had never done such a thing or attempted it, that he thought such talk in bad taste. But Sumner, begging his pardon, insisted that he had profusely dealt in such comparisons and referred him to an instance of it. Butler admitted that he had made the statement and undertook to explain it. Sumner proceeded to show that of the Continental troops in the Revolution, the North had contributed 172,465, but the South only 59,336, in other words 3 to 1; while of militia the ratio was 4 to 1 and that this disparity was caused by slavery; it having been necessary for the citizens of the South to remain at home, to prevent uprisings among the negroes; that Massachusetts alone had contributed 83,062 troops, or more than all the South together, and thirteen times more than South Carolina.

Sumner had grown tired of the too boastful spirit of the South towards the North. Parting with Butler, he said: "I had almost forgotten his associate-leader in the wanton personal assault upon me in this long debate,—I mean the veteran Senator from Virginia (Mason) who is now directly in my eye. With imperious look, and in the style of Sir Forceable Feeble, that Senator undertakes to call in question my statement, that the Fugitive Slave Act denies the writ of *Habeas Corpus*; and in doing this, he assumes a superiority for himself, which, permit me to tell him now in this presence, nothing in him can warrant. Sir, I claim little for myself; but I shrink in no respect from any comparison with the Senator, veteran though he be. Sitting near him as has been my fortune since I had the honor of a seat in this chamber, I have come to know something of his conversation, something of his manners, something of his attainments, something of his abilities, something of his character, ay, sir, and something of his associations; and while I would not disparage him in any of these respects, I feel that I do not exalt myself unduly, that I do not claim too much for

the position which I hold or the name which I have established, when I openly declare, that as a Senator of Massachusetts, and as a man, I place myself at every point in unhesitating comparison with that honorable assailant. And to his peremptory assertion, that the Fugitive Slave Act does not deny the *Habeas Corpus*, I oppose my assertion, peremptory as his own, that it does,—and there I leave that issue."

The personal character of the debate will be seen from these quotations. They illustrate the intensity of the feeling that existed in Congress on the slavery question and the difficulties with which anti-slavery men contended. It is important for the reader to understand these personal encounters of Sumner and the part he took in them for it was for what he said of Mason and Butler and South Carolina, that Brooks attempted to justify his assault on Sumner in the Senate Chamber, at a later day.

The debate being closed, the motion for a reference of the petition to the Judiciary Committee carried. But this Committee reported against the prayer of the petition and the Senate adopted their report. Later in the session Sumner sought to introduce a bill for the repeal of the Fugitive Slave Law, but the Senate after much wrangling, refused him leave. No progress was made in anti-slavery legislation but the anti-slavery vote in the Senate had increased from four to ten.

The pro-slavery members were not accustomed to such opposition as Sumner was making to their schemes of territorial expansion. He had been elected as an opponent of slavery. He had no political ambition, unless it was to link his name with the destruction of this institution. The ordinary baits the South had been using, political preferments, such as the Presidency, had no attraction for him. An incident related by himself illustrates his feeling. During this session an eminent supporter of the Nebraska Bill said to him: "I would not go through all that you do on this nigger question for all the offices and honors of the country." To which Sumner promptly replied, "Nor would I,—for all the offices and honors of the country." In relating it, he added: "Not in such things are the inducements to this warfare. If I have been able to do aught in any respect not unworthy, it is because I thought rather of those commanding duties which are above office and honor."

But he had a strong desire for fame of a more enduring sort than office gave. His efforts in the Senate were always prepared as for a great occasion, he put aside personalities which appealed to the galleries but he felt there was nothing to be lost

by telling his Southern colleagues he was as good as they were and would brook no airs of superiority. It was a manly self-respect he asserted and it found an answering response at home.

It was after this debate that Whittier wrote the poem already referred to reminding him of the evening, when they had loitered by the sea at Lynn and he had foretold Sumner's election to the Senate. He now saw the large future, which he then predicted, fulfilled in his actual life.

Until this debate Sumner maintained pleasant relations with the Southern Senators, but from this time forward their intimacy ceased and few of them recognized him socially. Their feeling towards him was bitter. Threats were made of expelling him from the Senate, and with the votes they controlled there was some reason to fear such a result. It must be confessed that Sumner was not without feeling. He wrote to Howe during this session: "This Congress is the worst,—or rather

- promises to be the worst since the Constitution was adopted; it is the 'Devil's Own.'"

The letters written him from Massachusetts, show that the debates of the session had been followed with interest and that the political tide was turning his way. One of his former opponents wrote him: "Differing with you as I do in political sentiments and having no other connection with public affairs than what pertains to every citizen, I desire, nevertheless, to express to you, what I believe to be the general feeling among all classes of reflecting minds here, an admiration for the dignified and gentlemanly bearing with which you have gone through the contest and rebuked this ruffian onslaught, and to say, moreover, that we should, I have no doubt, all unite, from all sides as one man, in sending you back to the Senate, should the maniac threats of expulsion by any possibility be carried into effect."

Some of his friends referred to his conduct or expressions in a speech on one occasion and others to something on another occasion as seeming especially admirable to them. But they all agreed that his course during the stormy scenes of the session had admirably represented the sentiment of the State. One had cried, "Just the thing!" when he read his answer to Butler, inquiring whether he would aid in sending back a fugitive slave; another thought that it was his reply to Mason that had made him think for once in his life that a Southern gentleman had been "squeezed through the little end of the horn." Wendell Phillips "liked and entirely approved the self-

respect with which he put his own opinion side by side with the Virginian's and left it."

An old man, formerly a Member of Congress, wrote him: "Your contest in the Senate brought vividly to my recollection similar scenes which many years since I saw J. Q. Adams passing through. And now how miserably insignificant and mean, to the eyes of the intelligent and honorable of the whole civilized world, do these rascally pygmies look! and how 'the old man eloquent' looms up! Truth is mighty; never fear,—sometime or other she will take care of you; nay, she is doing it now with all who can see, and even with multitudes of your opponents who see plainly enough but dare not speak. In one respect you have beaten 'the old man' even. You have kept your temper better than he used always to do."

The revolution of political feeling in the State was fast tending to break up old party ties. A new party was being organized, the Republican. The Abolitionists were going into it as a body and there was a drift towards it, from both the Whigs and the Democrats, many of whom were dissatisfied with the temporizing policy of the old parties on the slavery question. Early in the summer, the Republicans bid fair to carry the State. The leaders were eager for Sumner to join them. He was urgently pressed by the Provisional State Chairman, John A. Andrew, to be present and address the State Convention to be held at Worcester on September seventh. They felt that his presence after the exciting scenes in which he had taken part in Congress and the desire of the people to see and hear him would draw many to the Convention, if he would consent to speak. He consented and promised his sympathy and support to the new movement.

Sumner received a flattering reception, when he appeared before the Convention. He was still a young man, only forty-three years of age, in the prime of mental vigor and manly strength, his face still unseamed by age or suffering. And yet he bore with him the laurels of a victor. For had he not gone forth from these scenes a few years before the representative of a few Abolitionists; and was he not now returning to a State, driven by the stern march of events, to his position? When he came into the Convention, the audience received him standing and with cheers. He was conducted to the platform and the Convention suspended other business to hear him speak. His subject was the duty of Massachusetts in this new crisis and how it should be discharged,—what to do and how to do it. He recited the recent encroachments of slavery in the arrest of Burns and the appearance of the slave-hunter in the streets of

Boston, and the repeal of the Missouri Compromise, the destruction of a time-honored landmark of Freedom pledged to perpetuity by slavery, for benefits long ago received, and ever since actually enjoyed. He urged the necessity for a union of the men of all parties, opposed to slavery, that they should throw aside old ties and join heartily under the one banner of the Republicans, to withstand the encroachments of the South.

His two objects were; first, to vindicate the necessity for a new party; second, to prevent the enforcement of the Fugitive Slave Law in Massachusetts by convincing his fellow citizens that being against conscience and the Constitution, they should refuse to lend any aid to its enforcement. Concluding he bade them be of good cheer and to hope. He knew the difficulties too well that lay between them and success, how little there was even in public life to tempt an honest man who wished, by something he had done, to leave the world better than he found it. But still, to hope! Already more than half the people of the Commonwealth wished to be rid of slavery. Let them not scatter their votes, but unite in one firm organization, without thought of compromise; and the triumph of Freedom would be realized, not only in Massachusetts, but in the whole country.

The speech was received with great enthusiasm. It was one of Sumner's telling efforts that met the wants of the hour, like his Faneuil Hall speech of November sixth, 1850, that was said to have made him Senator. The speech was made before the days of the telegraph and the Boston Traveller ran a special train from Worcester to Boston, a distance of forty miles, in one hour,—a great feat of railroading then,—to lay it before the people without delay.

The Convention nominated Henry Wilson for Governor and Increase Sumner for Lieutenant-Governor; John A. Andrew was made chairman of the State Executive Committee. The party started with high hopes. But the efforts made by the old party journals and leaders, especially the Whig, to keep their voters in line, caused its defeat. This was accomplished by keeping alive and stirring up old party animosities against the Free-Soilers, of whom the new party was largely composed. Voters at first favorably impressed, were thus kept from joining it. The "American Party" better known as the "Know-Nothing", whose cardinal principle was hostility to foreign-born citizens, especially Catholics, and which was an oath-bound, secret organization, was largely the outcome. Voters would not support the old parties, after the Nebraska legislation; their prejudices kept them from voting with the Republicans, and they satisfied their desire for a change by seeking ref-

uge in Know-Nothingism. The movement became general. Wilson joined it. The result was, the Republicans polled only six thousand votes while the Know-Nothings elected their State ticket and a legislature and thereby later made Wilson a United States Senator. The next year Know-Nothingism disappeared and the Republican party came to the front. Know-Nothingism was the path from both the old parties to the new.

Sumner had no patience with Know-Nothingism and refused to encourage it by his voice or his vote. Its principles were distasteful to him. He was opposed to secrecy in political affairs; and he thought this country should be an asylum for the oppressed of all nations, that a party organization could not be permanent that placed opposition to citizens because they were foreign born, among its cardinal principles. The peculiar turn political events had taken in Massachusetts led him to refrain from taking any part in the campaign after his speech before the Republican convention.

His only other public appearance during this vacation of Congress was on November 13, 1854, when he delivered an address to the Mercantile Library Association of Boston, introductory to its annual course of lectures. The association was composed of two thousand young men, engaged in mercantile pursuits, having a large library and organized for the moral and intellectual improvement of its members. He chose for his subject the "Position and Duties of the Merchant, illustrated by the life of Granville Sharp" and he sought to show by the life of this good merchant, the author of English Emancipation, how much good can be accomplished and how much fame can be gathered by the well directed efforts and only the small means of a merchant's clerk.

It is interesting to note how instinctively in hours of relaxation, Sumner turned to books. They were his recreation for respite from toil and care. His official duties were often distasteful, the pressure of office seekers for places, the habitual ill-humor now of the Southern Members made his position disagreeable. Life until his entrance to the Senate had been so different. His separation from his books he felt as one of the hardships of his position and he sometimes regretted the change.

There is no more fruitful and certain source of recreation than the reading of good books. They enter into the life of the busy and anxious man and steal care away before he is aware. Nowhere else can such relief be found. If he loses himself in the crowd on the street or seeks the solitude of the woods or the sea still the never ending cares of life come back to him constantly. In ceaseless waking thoughts, when every-

thing is silent and he is left alone, they make the night cheerless. But let the weary man settle down to the reading of a good book and how soon his thoughts are far away, absorbed in the scenes of its pages, bringing change and rest, the old sad visions crowded out by the new and the good.

## CHAPTER XXI

SESSION OF '54--5—TOUCEY BILL—LECTURES BEFORE ANTI-SLAVERY ASSOCIATIONS—VISITS THE SOUTH AND WEST—PASS-MORE WILLIAMSON—ELECTION OF 1855

AFTER the long season of storm, in the last session of Congress there was a tacit agreement on all sides to let slavery rest for a while. During the session of 1854-5, this quiet was hardly broken. Sumner occupied himself with other questions. He introduced a resolution against the enforced contributions from sailors for the support of Hospitals and he spoke on a bill to secure to seamen, in case of wreck, the wages already earned.

Once late in the session the slavery question came up in the discussion of a bill introduced by Toucey of Connecticut, a Democrat, on February twenty-third, providing for the removal to the Federal Courts of all causes for damages brought in the State Courts against United States officers, for acts done in the discharge of any duty under the laws of Congress. There was no mention in the bill, of slavery, or the Fugitive Slave Law. It was introduced and its passage was insisted on as a matter of little interest. But Chase, who was a thorough lawyer at once caught its purpose to promote the apprehension of fugitive slaves; and he promptly opposed its passage. The anti-slavery men asked for time that it might be fully discussed, but the slavery men as usual pressed its passage and as usual it was rushed through. Slavery understood its purpose, was in favor of it and had the votes to pass it. Why should it favor discussion? February twenty-third was Friday; and this was a day of the week devoted, according to the usage of the Senate, to the consideration of private bills. "Our day of *justice*," Sumner called it. Upwards of seventy-five bills were on the calendar for consideration. But everything of a routine character was made to wait on slavery; and this bill was allowed to consume the entire day. Wade in his pungent style, nettled its advocates by calling attention to the increased anti-slavery vote of the North. Wilson made his maiden speech in the Senate upon it. But Seward spoke best.

Sumner secured the floor at midnight. He reminded the Senate that once before he had been compelled to speak at this late hour or be silent in the presence of the encroachment of

slavery. "It is hardly," he remarked, "an accidental conjunction which constantly brings slavery and midnight together." Finding that the liberty of free colored persons was often endangered by the operation of the Fugitive Slave Law, several of the Northern states had passed laws to protect them from this danger by insuring them the protection of trial by jury and the writ of *habeas corpus*. Some States also prohibited the use of their county jails and volunteer militia, in the enforcement of the law. The advocates of the bill inveighed against these laws; but Sumner defended them and insisted that the attempts to enforce the law had only resulted in riots and bloodshed and disturbance of business and that already three states by formal resolution had demanded its repeal and two courts had declared it unconstitutional; and yet this bill was introduced to bolster up this infamous law.

Rush of Texas interrupted him to say that if the officers appointed to execute the law were to be left unprotected, the law should be repealed. Sumner answered that he proposed to make that very motion before he sat down, as he had already done twice before, and he would press it to a vote. Benjamin of Louisiana and Butler of South Carolina, the latter already showing the lateness of the hour in his too frequent cups, could not be silent. Sumner closed by moving the repeal of the Fugitive Slave Law and called for the yeas and nays. Butler thereupon arose and asked Sumner the very question he had asked him once before and which Sumner had answered then so pointedly, whether, if the law were repealed, Sumner would recommend the State of Massachusetts to pass a law to deliver up fugitives from slavery. To which Sumner promptly answered: No! Butler, after some foolish talk about the right of a man with such opinions to a seat in the Senate and a rejoinder by Sumner, said he knew Sumner was not a tactician and that he would not take "advantage of the infirmity of a man, who did not know half his time what he was talking about,"—a fling which coming from Butler whose condition was apparent, and referring to Sumner, whose abstinence was well known, provoked laughter from the Senate.

The vote on Sumner's motion, to amend the pending bill so as to make it a bill for the repeal of the Fugitive Slave Law, was, yeas 9, nays 30. But the Toucey bill passed. Only for this one day was the harmony of the session disturbed by slavery. The session closed on the third day of March, 1855.

During the previous fall a course of lectures was organized in Boston and in New York for the discussion of slavery. This fact marks a distinct advance in anti-slavery warfare. That

such a thing was possible in these two cities shows how much the cause had grown in popularity since Sumner delivered his lecture in 1847, seven years before, on "White Slavery in the Barbary States," so as to get a hearing for his subject by masking it in that form. Now on a fair count the voters of his state against slavery were in the majority and this majority had two representatives in the United States Senate. Sumner was asked to deliver the *opening* lectures in the New York and Boston courses, but, owing to a severe cold, he was compelled to decline both, though he had accepted the Boston invitation. He afterwards delivered the *concluding* lecture in each course.

Sumner's note to the Boston committee declining their first invitation shows us his care in keeping engagements. He wrote; "It is my habit to keep my engagements. Not for a single day have I been absent from my seat in the Senate during the three sessions in which duty has called me there; and never before in the course of numerous undertakings to address public bodies, at different times and in different places, has there been any failure through remissness or disability on my part."

Sumner delivered the concluding lecture of the Boston course in March, after the adjournment of Congress. During his unoccupied time he had been making careful preparation for this appearance; the course being one in whose success he felt a deep interest. The lecture was delivered in Tremont Temple, which was crowded to overflowing. On the stage beside him sat two children, whose release from their owner in Virginia, with that of their mother, he had negotiated for, during the previous winter, at the instance of the father, who had escaped from slavery and afterwards purchased his own freedom and now, through Sumner, that of his family. The children were very light, almost white, in appearance, and their attractive faces, with the fate they had so narrowly escaped, were well calculated to arouse the fathers and mothers of a Northern audience against slavery.

Sumner had not yet given away, in his speeches, the present effect he could have with an audience, for the permanent influence he might afterwards have with those who would read what he said. Later in life he lost some of his effectiveness, by the attention he paid to how his speeches would read when printed.

This lecture was delivered to a cultured audience and was received with such favor that he was called upon to deliver it again in the same hall a few days later. The call for it was such that he afterwards delivered it in many other places in Massachusetts,—including Worcester, Lowell and Lynn,—and in

the principal cities of New York,—at Auburn, where he was the guest of Seward, who introduced him to the audience as “the statesman on whose shoulders the mantle of John Quincy Adams had fallen,—the *young* man eloquent,” at Albany, Syracuse, Utica and Rochester. He was asked to deliver it in several of the Western States, but declined. On May ninth he delivered it in Metropolitan Theatre in New York city and the demand for it was so great that he delivered it the next night in Brooklyn, where Henry Ward Beecher presided; and then in Niblo’s Theatre, New York. It was printed in *The Tribune* of New York, *The National Era* in Washington and *The Independent*.

This was Sumner’s first appearance in New York city. The Tribune spoke thus of his “*Three Days* oration,” as it was called: “That a lecture should be repeated in New York is a rare occurrence. That a lecture on anti-slavery should be repeated in New York, even before a few despised ‘fanatics’ is an unparalleled occurrence. But that an anti-slavery lecture should be repeated night after night to successive multitudes, each more enthusiastic than the last, marks the epoch of a revolution in popular feeling; it is an era in the history of Liberty. Niblo’s Theatre was crowded last evening long before the hour of commencement. Hundreds stood through the three hours’ lecture.”

Sumner’s subject was “The Anti-Slavery Enterprise; its Necessity, Practicability and Dignity.” He sometimes opened his address with the striking presentation of some thought. The opening of this one, at Metropolitan Theatre, illustrates my meaning.

“History,” he said “abounds in vicissitudes. From weakness and humility, men ascend to power and place. From defeat and disparagement, enterprises are borne on to recognition and triumph. The martyr of to-day is gratefully enshrined on the morrow. The stone that the builders rejected is made the head of the corner. Thus it always has been and ever will be.”

He then referred to the few years before when a Female Anti-Slavery Society, sitting in a small room of an upper story in an obscure building in Boston, was insulted and then driven out of doors by a frantic crowd politely termed at the time “gentlemen of standing and property” and to William Lloyd Garrison, insulted and threatened and dragged through the streets until he was rescued and thrown into jail for protection, in contrast with this mighty assembly, counted by thousands, ruffled only by generous competition to participate in the occasion. “Here is a great change,” he continued, “worthy of notice and memory, for it attests the first stage of victory.”

The purpose of Sumner's lecture was to show the legal and political condition of the slaves in the South, the necessity for the anti-slavery enterprise and to answer the arguments made against it. Quoting from the laws of several slave States, he showed that human beings were held merely as chattels, in other words as personal property. The slave had no recognition in law, as a soul capable of happiness here and of immortality hereafter. "The slave" he said, "may seem to have a wife, but he has not, for his wife belongs to his master. He may seem to have a child, but he has not, for his child is owned by his master. He may be filled with the desire of knowledge, opening to him the gate of joy on earth and in heaven; but the master may impiously close all these gates." A wrong so transcendent, he insisted should be righted. "Freedom and Slavery can hold no divided empire; nor can there be any true repose, until Freedom is everywhere established." To the favorite argument of the South that Noah's curse against Canaan made him the servant of servants unto his brethren, he answered that this malediction did not change Canaan to a chattel, much less his posterity; that the African could neither be proven to be the descendant of Canaan, nor all slave masters to be the descendants of Shem or Japheth. While he *admitted* that the New Testament contained many injunctions for masters and *servants*, conditions that must always exist, he insisted that nowhere, in the spirit of the teachings of Christ, could they find any authority for *slavery*, whereby a human soul was reduced to the condition of an ox.

The first step necessary to the *practicability* of emancipation, he argued, was to openly confront it. When soberly studied men would unite in applying the remedy to such an assemblage of unquestionable wrongs as slavery would be found to be. If the question be determined by absolute justice, compensation should be made to the slaves and not to the masters upon freedom being granted. Still he was disposed to consider the question of compensation to the master, for freedom to the slave one of expediency, to be determined by the exigencies of the hour, though such he confessed was his anxiety for the disappearance of slavery that he would not hesitate to build a bridge of gold "if necessary for the retreating fiend." The assumption that slave labor was more profitable than free had been exploded by the census; and the arguments that the slaves were not prepared for freedom was as foolish as the refusal of the mother to let her son enter the water, until he first knew how to swim. Its danger to master or slave could not be plead, in the face of numerous instances, where as in Jamaica or the

Barbadoes, the disproportion in numbers was greater than in this country, and yet emancipation there had been attended with no danger. If with all the wrongs of the slave, his wife ravished from his arms, his child swept to the auction block, the fruits of his labor appropriated by another, the master still slept secure, why should he be less so in the presence of his slave with all these wrongs righted. "The highest safety is in doing right."

The *dignity* of the enterprise, he argued, was vindicated by the loftiness of the cause of freedom throughout all ages and the numbers of human beings now sought to be benefitted. It could not be belittled by the hard names and personal disparagement heaped upon its advocates. It had ever been the lot of goodness and virtue in this world to be reviled and traduced. It was not the eminent, the rich and powerful, the favorites of fortune and of place who most promptly welcome the truth which brings change in the existing order of things, but those in poorer condition.

In conclusion, he reminded them that there were according to the census reports only 347,525 slaveholders and yet this *oligarchy* ruled the Republic, determined its policy and disposed of its offices. Their first duty was the overthrow of this oligarchy. The Fugitive Slave Law by an aroused public sentiment must also be made a dead letter. For his own part, long ago, he said he had made up his mind to have nothing to do with its execution. "I know not if our work will be soon accomplished. \* \* \* But better strive in this cause, even unsuccessfully, than never strive at all. The penalty of indifference is akin to the penalty of opposition,—as is well pictured by the great Italian poet, when, among the saddest on the banks of the Acheron, rending the air with outcries of torment, shrieks of anger and smiting of hands, he finds the troop of dreary souls who had been ciphers in the great conflicts of life." And, he insisted, that above all things there should be unity among the friends of Freedom, unity even as among the enemy there was unity. A lesson must be learned from them. As with them slavery was the mainspring of political life, from which emanated all power and all authority and among them all differences were swallowed up in the one idea, so must it be with the friends of Freedom. They must unite in a compact political association, knit together by instincts of a common danger, determined to enfranchise the Government, powerful in numbers, wealth and intelligence, but more powerful still in an inspiring cause.

Wherever it was delivered, this address did good for the anti-

slavery cause. It met the arguments against emancipation and while there was manifest the speaker's indignation at the wrongs of slavery, he did not descend to abuse of the slave masters. It was the institution he attacked, not men. The recent uprising at the North against slavery, enabled him to find candid hearers, worthy of the preparation he had made to present the case fairly before them. When he had finished, he declared that he had found the people prepared as never before to welcome the truth and that the country was approaching a crisis on the slavery question when Freedom would triumph or the Union would be dissolved.

For a number of years, Sumner had been wishing to visit the West and South. It will be remembered he had foregone this trip to serve as a member of the Convention to revise the Constitution of Massachusetts, in 1853. He wished to see slavery as it appeared at home. So the last of May he set out and, in the course of his trip, he visited eleven free and three slave states. He visited his friend Horace Mann, then President of Antioch College at Yellow Springs, Ohio, and his colleague in the Senate, Salmon P. Chase, at Cincinnati. Then crossing into Kentucky, he visited Cassius M. Clay, at his home near Lexington. This was in the heart of the famous Blue Grass Region, one of the finest farming districts of the country. Its soil was fertile, having been freshly reclaimed from trackless forests, and its surface was rolling and easily tilled. To this, civilization had added excellent roads and all the improvements necessary to make desirable farms. It was dotted here and there with country mansions of aristocratic landlords, nestling among groves of native oak, surrounded with every convenience that would make home happy. It was a region as famed for fine stock as it was for generous welcome and abounding hospitality. The visit was one long to be remembered.

Sumner had met Clay at a public reception, tendered to John P. Hale, in Boston, in 1853. He was subsequently invited by Clay to visit him in Kentucky. Clay's home, called White Hall, was surrounded by a fine grove containing almost every variety of native trees and some exotics. The immediate grounds about the mansion house, on the estate, contained thirty acres. Clay was engaged in the breeding of thorough-bred short-horn cattle and Southdown sheep. Sumner enjoyed the open-hearted hospitality and was pleased with the trees and flocks of sheep and herds of cattle. He continued his visit for several days.

While there, Clay, who was a pronounced Abolitionist himself, knowing Sumner's curiosity to see the condition of slaves, on a plantation, took him to the estate of his brother Brutus

J. Clay, near Paris, one of the finest farms in the country, where there were more than a hundred slaves owned. The slave families occupied separate houses built of hewed logs, mortared between, mostly of two rooms, one above the other. Each house had a yard in front and a garden behind and was surrounded by a post and rail fence. They were neatly white-washed, with such additions to some of them, as the taste of the occupants dictated; and the supply of winter's wood was carefully piled up for each. Upon the whole, they presented an air of neatness and comfort that Sumner had evidently not expected. Cassius M. Clay showed the negro quarters to Sumner, politely anticipating his curiosity; and they went alone so that he might feel free to ask any questions he desired. Sumner did not ask many, and it is remembered that he was slow to express any opinions or impressions of his own. When, however, a little colored boy ran ahead to open the gates for them and looked back smiling, Sumner's exclamation, as he tossed him a coin, was, "Poor boy!" Seemingly the thought was, "Still with all these creature comforts, these poor people, at last, are only slaves!"

But he saw other things that proved to him, that even physical comfort was by no means a uniform condition. At Lexington, on the steps of the Court House, he saw a slave put up and sold at auction and made to open his mouth and show his teeth, like a horse, for the satisfaction of bidders. At another place he was left to sit in his stage and wait while the driver "assisted to whip a nigger". And still again, while he ate his meal he was compelled to witness a poor slave girl staggered under the blow of a clenched fist. Upon the whole, his opinion of slavery was confirmed by what he saw. A fact that impressed him, as much as any other, was that owing to prejudice and the limited disposition in the South to read, the Southern people knew less about the real condition of the slaves, than the people of the North.

He visited, at Lexington, the home and grave of Henry Clay; and at Nashville, those of Andrew Jackson, stopping by the way to see the Mammoth Cave. He went down the Cumberland and Ohio rivers to Cairo and up the Mississippi to St. Louis and St. Paul, stopping by the way to visit friends at several places. He was on the Great Lakes, as far north as Marquette.

He spent a fortnight in the forests of the iron mountains on the shores of Lake Superior, cut off in those solitudes from all communication with the civilized world. As he left the harbor on a steamer bound for the head of the Lake, he remarked that he had not seen the newspapers for two weeks and

was ignorant of all that had transpired in the outer world, during this time. A fellow traveller handed him the dailies from the principal cities. As his eye ran hurriedly over them, he caught the intelligence that Passmore Williamson had been thrown into jail in Philadelphia for a contempt of court in a slave case. He turned from one paper to another to gather the details of the case.

Williamson was an unpretending citizen, Secretary of a committee of an Abolition Society. He had informed a slave mother and her two children that having been brought, by their master, into a State where slavery did not exist, they were by law, free. They had accordingly escaped from their master and he was unable to recover them or even learn their whereabouts. He had asked of the United States District Court a writ of *habeas corpus* against Williamson, commanding him to produce the bodies of the mother and children before the Court. The writ was allowed. But Williamson having been brought into Court answered that he did not have them in his custody, did not know their whereabouts and could not therefore comply with the order of the Court. He was, however, found guilty of contempt and sent to jail.

As Sumner gathered the details of this outrageous judgment, he hesitated a little and then inquired the name of the island the steamer was just passing. While seated on the deck of the "North Star", that beautiful Sabbath morning, where the rocky outlines of Granite Island and the mountains of the mainland were mirrored in the clear waters of Lake Superior and where everything the eye rested on was emblematic of peace and purity and freedom, he wrote a thrilling letter to Williamson in Moyamensing Prison.

"From beginning to end, from side to side," he wrote, "and in every aspect, this transaction can be regarded only as a clear, indubitable, and utterly unmitigated outrage. The new-fangled doctrine, that a master can *voluntarily* import his alleged slave—of course with all the revolting incidents of slavery—into the Free States is not more odious than preposterous. It is scouted, by reason, and disowned by universal jurisprudence. You were right in disregarding it. In stepping forward to remind persons claimed as slaves on this pretext that all such claim is baseless, you did a good work. It was this knowledge which filled them with confidence to regain their God-given liberty. And for this it appears that you have been brought before a man, 'dressed in a little brief authority' who has cast you into prison."

"It is a privilege to suffer for truth; and I envy not the

meanness of that soul which would hesitate to prefer your place within the stone walls of a prison to the cushioned bench of the magistrate by whose irrational and tyrannical edict you have been condemned."

Sumner did not hesitate to hold up the wrongs of slavery. He believed that this was one of the ways to right them.

He returned home through the Lakes, stopping at Saratoga and the White Mountains and reached Boston during the first week of September. He had been absent more than three months. Before going he had hesitated between the choice of this tour through his own country and a trip to Europe. But feeling that the information he would acquire by a trip South and West would be more useful to him, he had chosen it. He afterwards felt that this choice was wisely made.

The campaign was attracting attention in Massachusetts, when he returned. The Know-Nothings were active again and voters, dissatisfied with the Whig and Democratic parties, were still deserting them. Sumner clung to the hope of uniting all anti-slavery men in the new Republican party and to make its cardinal principle, opposition to slavery. He continued to have no faith in the principles of Know-Nothingism. He did not believe that a party with such principles as an oath-bound secrecy and hostility to foreign born citizens or to the membership of any particular religious denomination could be long continued in power. Such principles would have excluded William of Orange from participation in the political fortunes of England, Napoleon from those of France and Hamilton from those of America. And yet these were the primary principles of Know-Nothingism. Its opposition to slavery, he believed was merely to catch votes.

During the campaign he spoke for the Republicans, in the principal towns and cities of the State. He urged men of all parties to unite, in this one, in enduring opposition to slavery. In his speeches he boldly condemned Know-Nothingism. As his term in the Senate was drawing to a close and this party was in control of the State government and bade fair to continue its ascendancy for the next year, when the Senator would be chosen, while his course was a courageous one, his friends, many of them at least, feared it was not discreet. But he believed that a public man should not be a mere follower of others in politics, but a leader, and he went forward. His courage might have cost him his seat. There was some talk of anticipating the election of his successor by having the present Legislature make the choice, but other counsels prevailed. His danger, however, continued; for the Know-Nothings were again successful in electing a Governor and a Legislature.

## CHAPTER XXII

STORMY SESSION OF CONGRESS—BANKS, REPUBLICAN, MADE SPEAKER—KANSAS TROUBLES—APPLIES FOR ADMISSION—SUMNER'S SPEECH—THE REPLIES TO IT—SUMNER'S RE-JOINDER

The session of Congress which commenced on the third day of December, 1855, was a memorable one. The election had shown a feeling of unrest prevalent in the country and a dissatisfaction with the courses of the two old political parties. The South had returned a delegation to Congress thoroughly loyal to slavery, but many districts in the North had sent anti-slavery men. When Congress opened, the change became apparent. N. P. Banks of Massachusetts, a pronounced anti-slavery man and a Republican, was the candidate for Speaker from the North and William Aiken of South Carolina was the candidate of the South and each represented the rival feelings of the different sections upon the slavery question. Ballot after ballot became necessary before a choice was made and it was not till the second day of February, 1856, on the one hundred and thirty-third ballot, that Banks was elected. It was significant that the candidates came from the States they did, Massachusetts and South Carolina. It was significant that every vote Banks received was from the North and that his opponent had the solid vote of the South except only one Cullen's of Delaware. Davis of Maryland declined to vote for either candidate. For the first time it was the South compactly arrayed against the North, section against section. It was an ominous attitude.

For the first time in the history of the country there was a national official elected by one section. But Banks' election had a deeper meaning than this. For the first time in the country's history, the anti-slavery men had scored a national triumph. All their victories, till now, had been local, a member of Congress, a Governor, occasionally a U. S. Senator. But now they had become so strong that their party assumed national proportions. One of the most important offices of the nation was filled by a man of that conviction and because he was so. Sumner wrote Charles Francis Adams: "I was present when he was conducted to his chair. It was a proud historic

moment. For the first time during years there seemed to be a North. I fancied I saw the star glittering over his head."

The causes for this change in public opinion were to be found in the course of the Democratic party controlled by the South. The Missouri Compromise, the established landmark of Freedom, that had been fixed with much labor and had grown sacred with age, had been repealed to open the way for the extension of slavery. This had been followed by the Kansas-Nebraska Bill establishing these Territories, and opening them to settlement, by people of the South with their slaves, and emigrants from the North, and permitting the settlers to determine for themselves, whether they should be slave or free. The effect of this legislation was to make the Territories slave. They were to continue so, unless the anti-slavery men, by a vote at some subsequent time could wrest them away from slavery. These successive encroachments had angered the anti-slavery people of the North; and they determined, notwithstanding this legislation to make Kansas a free state. Kansas was the debatable ground, for if it was won for Freedom, Nebraska would certainly follow. The South was just as determined to make Kansas a slave state. This constant agitation had embittered the two sections.

The New England Emigrant Aid Co. had been incorporated in Massachusetts. Its object and its methods were perfectly legitimate. It proposed to promote emigration, from the New England states, by furnishing information about Kansas to persons likely to emigrate, to cheapen to them the cost of transportation thither and, by the building of saw and flour mills, hotels, and school-houses to enable them to become finally fixed, in permanent homes. Its influence and its means were limited. It is estimated that not more than fifteen hundred persons were induced by it to become residents of the Territory. The South, watching with jealousy every movement of the North towards colonization and remembering how California had recently slipped from its grasp, professed not to be able to see any legitimate purpose in the Emigrant Aid Co. It knew that the settlers thus furnished would almost certainly be against slavery. The Company, therefore, became the object of bitter denunciations.

Kansas was of vital importance to slavery. It was within the same parallels as Missouri and could raise the same crops. Missouri was a slave State. Kansas then included a large part of what is now Colorado. It was the gateway of the North to New Mexico and Utah. New Mexico then included Arizona; and Utah included Nevada. To control Kansas, therefore,

meant to control what is now six States and Territories. Kansas would restore the equality, to the South, in the Senate, which had been lost by the admission of California; it would also put the South in the way to acquire ten votes more. No set of statesmen ever saw a proposition more clearly or knew better how they could wield the advantage that would be gained, if they could only reach it, than those of the South. And this, with a will, they set themselves to accomplish.

To secure Kansas to slavery, the South resorted to the boldest frauds. It conceived the plan of having persons go there and stake off claims to desirable land, remain perhaps a few days in tents, call themselves residents of the Territory so as to be able to return and vote, whenever occasion and the interests of slavery should require, and then return to their homes in slave states. The nearness of the Territory to Missouri, a slave state, rendered this plan of counting votes for slavery peculiarly practicable. One Atchison, who had been a U. S. Senator from Missouri and was for several sessions President *pro tem* of the Senate, and another, Stringfellow, were especially prominent, frequently leading bands, under arms, from Missouri to Kansas to accomplish such purposes; and, under their leadership were often committed gross outrages, against the rights of citizenship and property, sometimes amounting to the shedding of innocent blood.

Four sons of John Brown had early settled in the Territory; and the father soon after left his little farm among the Adirondacks and followed them. The father and sons were sworn enemies of slavery. The old man had early in life declared his unalterable opposition to it. Whether his primary object in emigrating to the Territory was to make it a permanent home or simply to assist in saving it to Freedom, can never, perhaps, be certainly known. But such spirits could not long remain undiscovered, amid the stirring scenes into which they were cast. Two of the sons, while quietly attending to their work in the fields were seized by a band of Missourians, under the command of a certain Pate, who delivered them into the hands of some Federal troops. On horseback these troops drove them on foot, manacled, without any legal charge against them, over the burning prairie; and before the sun had set, the younger John Brown was a raving maniac. And yet, against the perpetrators personally of the deed the father seemed to entertain no thought of revenge. "What God does is well done"; "Vengeance is mine; I will repay saith the Lord"; such texts seemed to console him as against the men who did these things. But he was dreadfully in earnest, in his warfare against the institution

that he held accountable for these wrongs. He was overcome with emotion and shed tears when he undertook to recount them before the Legislature of Massachusetts.

A mere narration of some other events in Kansas will show the lengths Slavery was willing to go. A. M. Reeder of Pennsylvania, a Democrat, had been appointed by President Pierce, Governor of the Territory. At the time of his selection, there was no question about his loyalty to Southern interests. In November, 1854, Missourians to the number of seventeen hundred under the lead of Atchison came armed into the Territory and participated in the election of Whitfield to Congress. A little later, in March, 1855, they came from Missouri armed to the number of five thousand, and, marching to the polls, where the election of members of the Legislature was being held they demanded with weapons in their hands that they be allowed to vote and they were permitted to do so. Governor Reeder issued certificates to a majority of the members thus chosen, but, becoming convinced of the magnitude of the outrage, he refused, finally, to recognize the Legislature or the validity of its acts. He was thereupon removed by President Pierce, who was in full sympathy with the South, and Wilson Shannon of Ohio was appointed, in his place. This Legislature was worthy of its origin. In two months it enacted eight hundred and twenty-three pages of statutes. How this could be done so quickly was incredible, till it was discovered that they had re-enacted the statutes of Missouri almost wholesale, without in some places even changing the word "State" to "Territory", where it occurred. But its enactments upon the subject of slavery, it made worse. It was made a criminal offence to declare openly or in writing that slavery did not legally exist in the Territory.

The Free-Soilers refused to recognize the validity of these elections. They knew that there were only about three thousand legal voters in the Territory and that of the six thousand votes counted for the Legislature, only eight hundred were cast by actual settlers. They organized an independent movement and chose Governor Reeder their Representative in Congress and sent him to Washington, to contest the election of Whitfield. At the same time carefully abstaining from recognizing the validity of the enactments of the Legislature and yet, desiring to avoid any appearance of resistance to Federal authority, they deemed it best to apply for admission as a State, rather than create a rival Legislature. They accordingly chose delegates to a Constitutional Convention to meet at Topeka. The Missourians assuming that, by these acts, the Federal authority

had been defied, under pretext of assisting a pro-slavery Sheriff, in the execution of a warrant, marched into the Territory, twelve hundred strong, and with arms, threatened the destruction of the town of Lawrence. This town had been founded mainly by settlers from New England, under the auspices of the Emigrant Aid Co., and was the stronghold of the Free-Soilers. The insurgents encamped opposite the town; but finding it fortified and defended, its inhabitants armed with Sharpe's rifles, they retired. They were still in the Territory committing depredations, when Congress assembled in December. But notwithstanding these threats, the Constitutional Convention met at Topeka, drafted a constitution prohibiting slavery and the question of its adoption was submitted to the people, in December, and it was adopted. The next month they chose State officers and a Legislature and the Legislature met and elected two U. S. Senators and applied for admission as a State. But farther than this they did not exercise the functions of their offices. They still carefully abstained from any act that could be construed as a resistance of Federal authority, knowing the President's hostility.

President Pierce, acting as it was understood, under the inspiration of his Secretary of War, Jefferson Davis, afterwards President of the Confederacy, had already sent Federal troops into the Territory, under the pretence of preserving the peace and sustaining the National authorities; but already committed to the projects of the South and being now in the full tide of a campaign for renomination, he was in reality thus using his power, to aid the South, in its efforts for supremacy, in the Territory. The Free-Soilers were, in his eyes, traitors and their acts revolutionary; the Legislature they ignored was to him a lawfully elected and organized body and he threatened to enforce obedience to its enactments at the point of the bayonet. On the twenty-fourth day of January, 1856, he sent a special message to Congress, calling attention to the condition of affairs in Kansas. Here appeared again his usual method of apologizing for the conduct of the insurgents, approving all the acts of the slaveholders and condemning the efforts of the Free-Soilers. The message brought the whole matter lawfully to the attention of Congress. The Administration proceeded to place the Federal troops in Kansas at the service of Governor Shannon, who was in sympathy with the South. The eyes of the Nation were upon Kansas, where the opening scenes of the Civil War were being enacted.

A week after the President's message was received, on February second, the House being organized by the election of

Banks, Speaker, the question of Kansas came up for consideration. Whitfield and Reeder were present, rival claimants for a seat, each insisting that he was the lawfully elected Representative, each fresh from the field of strife and aggressive in the cause he represented. There was little disposition on the part of the House to postpone a question of such importance. After some discussion it became apparent that the means at hand furnished little aid in the solution of the question and against the protest of the Southern members a committee was appointed to go to Kansas and make a personal investigation of the condition of affairs in the Territory. Here was a second triumph of the Free-Soilers and a second defeat of the Administration. The committee consisted of Howard of Michigan, Sherman of Ohio and Oliver of Missouri. Sherman was then a young man, thirty-three years of age, serving his second term in Congress, destined to an unbroken public career extending over a period of forty-two years. Howard and Sherman were Republicans and Oliver was a Democrat.

The committee proceeded promptly to the Territory and entered upon a searching investigation, examining large numbers of witnesses and reducing their testimony to writing. It was determined to get, what conservative people all over the North desired, an accurate knowledge of the real cause of the troubles in Kansas. Eight weeks were consumed in the investigation, the committee holding its sittings in the towns of Lawrence, Lecompton, Topeka and Leavenworth and on the first day of July, 1856 it presented its report to the House, in which Howard and Sherman joined, Oliver offering a dissent. They found that the history of the organization of the Territory had been one continual scene of violence and disorder,—such that no adequate picture of it could be given without appearing extravagant, that aid societies had been organized, both North and South, to promote emigration in the interest of the rival parties, which were not in their plan and purpose illegal, but that unlawful armed bands of marauders had repeatedly come into the Territory from Missouri, intimidating the settlers, committing depredations, terrorizing election officers, in great numbers casting illegal votes at many elections and that the Legislature assuming to act in that capacity and pass laws for the government of the people was, by reason of frauds in the choice of its members, an illegal body.

In the meantime events had been hastening to a crisis in the Senate. A week after the proclamation of the President to the people of Kansas, in consequence of which the United States troops were placed at the service of Governor Shannon, in an-

swer to a call by the Senate, the President sent with a special message, the papers in his possession, giving information of the events in the Territory. Thereupon a short and acrimonious debate ensued between Wilson and Hale for the Free-Soilers and Butler, Jones, Toombs and Toucey for the Democrats. The latter showed ill-temper and applied some coarse epithets to the Free-Soilers and they were answered by Wilson and Hale in the same spirit. It was noticed that there was an increased tension between the two parties. Intercourse was less frequent and what there was, less cordial than ever before. The talk of secession and disunion was more common and more bold. It was apparent that a storm was gathering. But there was still a disposition to await the report of the Committee on Territories to which the message and documents had been referred.

This committee reported on the twelfth day of March. Douglas, the chairman, on the loud call of Butler, instead of sending the report to the Clerk's desk as was customary, to be read by the Clerk, advanced to the desk and read it facing the Senate. It was concurred in by four members of the committee. When he finished, Senator Collamer advanced and read a dissenting report signed by himself alone. His position showed something of heroism.

Ten years later in a eulogy upon Collamer, Sumner, describing this scene, said: "The reports of the committees were usually handed in and ordered to be printed; but now at the impassioned call of the Senator from South Carolina, the report of the Committee, whitewashing incredible outrages, was read by the Chairman at the desk of the Secretary of the Senate. The Chairman left his seat for this purpose, and stood face to face with the Senate. For two hours the apology for that usurpation which had fastened a Black Code upon an inoffensive people, sounded in this chamber, while the partisans of slavery gloated over the seeming triumph. There was a hush of silence, and there was sadness also with some, who saw clearly the unpardonable turpitude of the sacrifice. Mr. Collamer followed with a minority report signed by himself alone, which he read at the desk of the Secretary, standing face to face with the Senate. Jesse D. Bright was at the time our President, but he had installed in the chair on that momentous occasion none other than that most determined artificer of treason and drill sergeant of Rebellion, John Slidell, who sat behind like Mephistopheles looking over the shoulder of Truth, while the patriot Senator, standing before, gravely unfolded the enormities that had been perpetrated. Few then present now remain, but none then present can fail to recall the scene. The report which Mr.

Collamer read belongs to the history of the country. But the scene comes clearly within the domain of Art. In the long life of our departed friend it was his brightest and most glorious moment,—beyond anything of honor or power, whether in the cabinet or on the bench. For what is office, compared to the priceless opportunity nobly employed, of standing as a buttress for human rights?"

The majority report covered up the crimes of the ruffian marauders from Missouri and attributed all the troubles in Kansas to the Free-Soil settlers and especially to the work of the New England Emigrant Aid Co. As soon as the reports were read Sumner took the floor and briefly defended the company saying that though it sent emigrants to Kansas it had a right to do so and though it hated slavery, it had a right to do so, that it had offended no law and been guilty of no misconduct and that every attempt to show otherwise would fail.

Stephen A. Douglas the author of the majority report was the most difficult and disagreeable opponent of the anti-slavery men. He was born in Vermont. A poor boy, of meager education, at the age of twenty he had gone to Illinois, then the extreme western frontier. Almost penniless, when he landed, with characteristic energy, the same day he clerked a sale to acquire the means of present support. With such energy did he enter upon his life, in this new field, that at the age of twenty-two, he was Attorney-General of Illinois, Secretary of State at twenty-seven, Supreme Judge at twenty-eight, a Member of Congress at thirty and at thirty-nine in the U. S. Senate and a candidate for the Presidency. And he continued to be a candidate for the Presidency until his death in 1861, at the age of forty-eight. His promotion was characteristic of the man. Rather below medium height, but handsomely and compactly built, so as to justify the pet name, "Little Giant", with which his admirers dubbed him, he had a constitution that could stand an immense amount of hard work and mental anxiety. He had great power as a debater; no one could see a point quicker, make more of it for himself or turn it against his adversary more adroitly and, if the case was against him, no one could muddle it more effectually so as to obscure its real merit. He was by nature an orator, ready of utterance, quick at repartee; and in that style of speaking, which resembles a physical combat, he had no equal. But at this time of his life he was intolerant of opposition, coarse and sometimes insulting towards his political adversaries and unscrupulous in his methods. Of all the "bullies" that defended slavery in Congress, at this time, none deserved the title more than Douglas.

Anti-slavery people of the North found fault with their Congressmen because they did not meet these pro-slavery statesmen more in their own manner. Nothing pleased them better than the spirit of Joshua R. Giddings, who, in answer to one of their blustering challenges to a duel, accepted and chose rifles as the weapons, at thirty paces. Many thought Northern Statesmen lacking in spirit; and there was a growing disposition among anti-slavery men in Congress to show more fight. As pro-slavery Members realized this, they grew more insolent. In answer to Sumner's comments on the report of the committee, Douglas was promptly on his feet to threaten the penalties of treason against him and the Free-Soilers of Kansas. In the debate which followed he pounced upon his Republican colleague who had only recently come to the Senate, applied indiscriminate epithets to him and impeached the motives of himself and the other anti-slavery Senators. Trumbull answered him savagely and closed by declaring that he would never permit him there or elsewhere to make an assault upon him without meeting it with the best power God had given him. When Douglas turned again to Sumner to charge him with having gone to his seat or spoken to him privately, during the consideration of the Kansas-Nebraska Bill to secure a postponement of the debate that he might gain time to circulate a libel against him—the protest of the Free-Soilers written by Chase and distributed broadcast—Sumner denied that he had ever gone to his seat for any such purpose and insisted that he had only exercised his right and been governed by a sense of duty when he arose in his place and asked for delay, because he desired it for a proper discussion of that question. To his aspersion that in this he was guilty of conduct unworthy a gentleman, Sumner replied that he would leave it to the Senate to determine whether Douglas was a proper judge on such a subject.

A week later Trumbull was attacked by Douglas again. In reiterating his insulting references to the Republicans, he insisted that they were in favor of an amalgamation of the races to which Wilson and Collamer replied. Clay of Alabama and Butler of South Carolina spoke in the same vein. In all their speeches Massachusetts and the New England Aid Company were special objects of their spleen and the old taunt was thrown at the Republican members of fawning upon Southern statesmen to procure social prestige and standing, in the society of the Capitol.

Five days after the reading of the report by Douglas, he introduced a bill authorizing the people of Kansas to form a Con-

stitution preparatory to their admission as a State, when they should be found to have the requisite population. Seward at once offered a substitute providing for the immediate admission of Kansas as a State under the Constitution already formed by the Topeka Convention. This Constitution prohibited slavery. But the bill introduced by Douglas provided for a new Convention, he, of course, favoring a pro-slavery Constitution or at least an opportunity for such a one to be adopted. Several Senators had already spoken on these bills—Douglas, Butler, Clay, Jones, Hale and Collamer. Sumner sought to speak as early as May second, but did not get the floor until May nineteenth.

Several of the speeches were coarsely personal. Jones of Tennessee called Hale, "the Devil's Own." Clay said Hale was ambitious of a kicking." Douglas called Trumbull his colleague a "traitor"; the Republicans with him were uniformly "black", and the Free-Soilers of Kansas "rebels" and "revolutionists". Benjamin called them "conspirators". The Free-Soilers answered in the same vein. To the assertion of Douglas that they were in favor of amalgamation, Wilson retorted that "such emanations were usually coming from men with the odor of amalgamation upon them" and called him and his Democratic colleagues who urged the passage of his bill "lieutenants of Atchison, the chieftain of the Border Ruffian Democracy".

For several years Butler had been insulting in his references to Sumner. In 1854, he had called Sumner a "plunging agitator", and a "rhetorical advocate", and referred to certain remarks he had made in a speech in the Senate as wanting in "common prudence or common delicacy" and to certain distinctions of Sumner as "sickly", and other remarks as "untrue" and that he was actuated by "pseudo philanthropy", a "philanthropy that proposes much and does nothing with a long advertisement and a short performance", as "actuated by criminal ambition and heartless hypocrisy"; called his State, Massachusetts, an "anti-nigger State" and declared that "at the time of the passage of the law in Massachusetts abolishing slavery, pretty nearly all the grown negroes disappeared somewhere; and as the historian expresses it, the little negroes, left there, without father or mother, and with hardly a God, were sent about as puppies, to be taken by those who would feed them", when as a matter of fact, slavery had not been abolished by the passage of a law in Massachusetts, but by a decision of the Supreme Court, whose announcement could not have been anticipated so as to permit the transportation of the grown

slaves. Six months later Butler accused Sumner of "flagrantly misrepresenting history", \* \* \* "by vapid rhetoric". As late as February 23, 1855, he referred to Sumner in debates as a man who "did not know half his time exactly what he was about." The episode between himself and Sumner, when he asked Sumner, if he would return a fugitive slave; to which Sumner retorted, "Is thy servant a dog that he should do this thing", and the subsequent perversions of Sumner's answer to mean that he, a Senator, sworn to do so, would not obey the Constitution and laws of the United States, have already been mentioned and need not be repeated. This perversion had been tauntingly thrown at Sumner with pettifogging frequency.

It will thus be seen that when Sumner on the nineteenth day of May, 1856, arose to speak on the bill, introduced by Douglas, and on the substitute moved by Seward, for the admission of Kansas, as a State, he was under many provocations from his opponents. Much also could be allowed for the excitement prevailing in the country and especially in Congress over the troubles in Kansas. Probably never in the history of the country did political excitement run higher; for Southern statesmen had not yet reconciled themselves to schemes of secession and the North had not yet settled to the grim determination to prevent disunion. Both were in the angry mood for having everything their own way. Sumner was firm in his determination that no more laurels should be gathered for slavery, if he could prevent it. His speech, by reason of the importance of the crisis, in which it represented the highest wave of excitement, and the interest aroused in it by the assault which followed, is the most memorable of all Sumner's productions. What he said of slavery as an institution was of course much the same as what he had already said and need not on this account be repeated but what he said of the attempt now made to admit Kansas as a slave State and especially his references to Butler and Douglas are important in the light of what followed.

After referring to the wickedness which he hoped to expose, being aggravated by the motive which prompted it, the desire for a new slave State, he said:

"Before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrong; I mean the Senator from South Carolina (Butler) and the Senator from Illinois (Douglas) who though unlike as Don Quixote and Sancho Panza, yet like this couple sally forth in the same ad-

venture. I regret much to miss the elder Senator from his seat; but the cause against which he has run a tilt, with such ebullition of animosity, demands that the opportunity of exposing him should not be lost; and it is for the cause I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight: I mean the harlot Slavery. For her his tongue is always profuse in words. Let her be impeached in character, or any proposition be made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote in behalf of his wench Dulcinea del Toboso is all surpassed. The asserted rights of slavery which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames Equality, under the Constitution;—in other words, the full power in the National Territories to compel fellow men to unpaid toil, to separate husband and wife, and to sell little children at the auction block,—then, sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus! \* \* \*

"As the Senator from South Carolina is the Don Quixote, so the Senator from Illinois (Douglas) is the squire of slavery, its very Sancho Panza ready to do its humiliating offices. This Senator in his labored address vindicating his labored report,—piling one mass of elaborate error upon another mass,—constrained himself as you will remember to unfamiliar decencies of speech. Of that address I have nothing to say at this moment, though before I sit down I shall show something of its fallacies." \* \* \*

Sumner then spoke; first, of the crime against Kansas; second, of the apologies for it; third, of the remedy for it.

Referring to the Nebraska Bill which had opened the Territory to Slavery and enrolled upon the statute book the Douglas doctrine of "popular sovereignty," giving opportunity for the trouble that now existed, he said that if that bill had been allowed to go over to another congress, so that the people could have been heard against it, they would have defeated it. He declared it was a swindle—a swindle on the part of the South that had already enjoyed its share of the Missouri Compromise;

a swindle of those whose share was yet untouched; as a bill of peace it was a swindle to the whole country; it was a swindle of a Territory cheated of protection against slavery. Sumner then went over in detail a history of the outrages committed in Kansas, the invasion from Missouri to elect a Congressman in November, 1854 and again to elect a Legislature in March, 1855, and again to elect a Congressman in October, 1855, the invasion and threatened assault upon the town of Lawrence, the proclamation of Governor Shannon calling for troops, answered only by more companies of marauders from the border counties of Missouri and still another invasion from Missouri in December, 1855, on the occasion of voting, on a Constitution for Kansas, the Territory in a condition of anarchy, the citizens under arms, outrages committed sometimes amounting to murders and everything said or done in this vast circle of crime radiating from *one idea* that Kansas must be made a slave State and this to be accomplished, first, by outrages of all kinds, driving anti-slavery people out of the Territory, second, by deterring others from coming, and third, by obtaining complete control of the Territorial government. He said that while the first two purposes had failed, the third had so far succeeded. He commented at length on the disgraceful character of the laws that had been enacted to fasten slavery upon the Territory.

He passed rapidly over the apologies which were made for these crimes, the idea that the recognition by Governor Reeder of a Legislature elected by such palpable frauds could clothe it with the mantle of legality, that the President had no power to arrest such proceedings, that in justification of it there existed an oath-bound secret society pledged to make Kansas a Free State when there was only an honorable movement with this end in view, not in conflict with the laws of the country. Much effort had been made by the apologists for these outrages, to justify them by attacking the Emigrant Aid Company of New England. This Sumner declared was infamous. The continued assaults upon this society had led its members to desire to have the false impression thus given of its aims and purposes removed, by some person of influence, who knew better what it was, than its enemies. Several gentlemen prominent in its organization and conduct had been in correspondence with Sumner for some months. They expected of him a refutation of the calumnies that had been uttered against them. He had urged upon them to lay aside the tone of apology, which they were so wont to fall into, in speaking of the society and plant themselves boldly on the legality of the enterprise. One of the managers, J. M. S. Williams, came on to Washington to talk

over the subject with Sumner, before he spoke, and was present at the delivery of the speech, and Sumner afterwards gave the manuscript of it to him.

Sumner said that it had been grossly assailed, that it was an association of sincere benevolence, faithful to law, whose only fortifications were hotels, school-houses and churches, whose only weapons were saw-mills, tools and books, and whose mission was peace and good will, and if he would consult his own feelings he would dismiss the attack that had been made upon it with the ineffable contempt it deserved. He declared that men did organize to rear churches and to make pins, to build schools and to sail ships, to construct roads and to manufacture toys, to spin cotton and to print books, to guard infancy in its weakness and old age in its decrepitude and womanhood in its wretchedness; to complain that this prevailing principle had been applied to emigration was to complain of Providence and the irresistible tendencies implanted in man.

Sumner insisted that organized colonization had been encouraged in Greece and Rome, as well as in modern times, that Spain had sanctioned an association of Genoese merchants who first introduced slaves to this continent, that France licensed the Jesuits who colonized the regions of Canada and the Great Lakes and that it was under the auspices of Emigrant Aid Companies that the Pilgrims came to Plymouth, the Adventurers to Virginia and Oglethorpe and his companions to Georgia, and that at the present day similar associations were still directing emigrants hither. For a long time the tide of emigration had steadily set from the North to the South, and especially from New England to the West, and when it became a question whether the tempting fields of Kansas were to be occupied for Freedom or for Slavery, organization was enlisted to stimulate this colonization thither. The first company for this purpose had been organized before the passage of the Nebraska Bill. But afterwards it had been rechartered and reorganized and it then became the mark for the shafts of the enemies of Freedom.

He said: "It is not true that men have been hired by the Company to go to Kansas; for every emigrant going under its direction himself provides the means for his journey. Of course, sir, it is not true, as is complained by the Senator from South Carolina, with that proclivity to error which marks all his utterances, that men have been sent by the Company with one uniform gun, Sharpe's rifle, for it has supplied no arms of any kind to anybody. It is not true that the Company has encouraged any fanatical aggression upon the people of Missouri; for it counsels order, peace, forbearance. It is not true

that the Company has chosen its emigrants on account of political opinions, for it asks no question with regard to the opinion of any whom it aids and at this moment stands ready to forward those from the South as well as the North. \* \* \* It is not true that the Company has sent persons merely to control elections and not to remain in the Territory; for its whole action, and all its anticipation of pecuniary profits are founded on the hope of stocking the country with permanent settlers. \*

“Sir, to men on earth it belongs only to deserve success not to secure it; and I know not how soon the efforts of Massachusetts will wear the crown of triumph. But it cannot be that she acts wrong for herself or her children when in this cause she encounters reproach. \* \* \* What belongs to the faithful servant she will do in all things and Providence shall determine the result.”

This vindication of the Emigrant Aid Company did not stop the criticism of it that had been noticeable in the Congressional debates. But the information Sumner furnished of its plan of work and its purposes, together with the explanation of what it had already accomplished, as shown by the records of the society, showed how perfectly groundless the complaints of Southern statesmen were against it. The country saw it was pure declamation and the society felt that it had been suitably vindicated.

At this point in his speech, Sumner yielded to a motion to adjourn, having spoken three hours. He resumed his speech the next day, speaking of the remedies for the situation.

The recommendation of the President of an increased appropriation to enforce obedience to the laws, “whether Federal or local,” he characterized as *tyranny*, for he insisted there were no local laws except those produced by the usurpation of Missouri hirelings, who had gone into the Territory and assumed the place of citizens.

He was no less unsparing in his criticism of what he denominated the remedy of *folly*.

“It comes,” he said, “from the Senator from South Carolina (Butler), who at the close of a long speech, offered it as his single contribution to the adjustment of this question and who thus far stands alone in its support. It might, therefore, fitly bear his name, but that which I now give to it is a more suggestive synonym.”

“This proposition nakedly expressed, is, that the people of Kansas should be deprived of their arms.” \* \* \*

“Really, sir, has it come to this? The rifle has ever been the companion of the pioneer, and, under God, his tutelary

protector against the red man and the beast of the forest. Never was this efficient weapon more needed in self defence than in Kansas; and at least one article of our National Constitution must be blotted out before the complete right to it can be in any way impeached. And yet such is the madness of the hour, that in defiance of the solemn guarantee in the Amendments to the Constitution, that ‘the right of the people to keep and bear arms shall not be infringed,’ the people of Kansas are arraigned for keeping and bearing arms and the Senator from South Carolina has the face to say openly on this floor that they should be disarmed—of course that the fanatics of slavery, his allies and constituents, may meet no impediment. Sir, the Senator is venerable with years; he is reputed to have also worn at home, in the State he represents, judicial honors, and he is placed here at the head of an important Committee occupied particularly with questions of law; but neither his years, nor his position past or present, can give respectability to the demand he makes or save him from indignant condemnation, when to compass the wretched purpose of a wretched cause he thus proposes to trample on one of the plainest provisions of Constitutional Liberty.”

Senator Douglas had proposed a third remedy, to authorize the Legislature, as soon as a census taken by its authority and the Governor’s, disclosed a sufficient population to constitute a Congressional District, to provide by law for calling a convention to form a constitution and apply for admission as a State. This, Sumner said, meant *injustice and civil war*. It provided for maintaining indefinitely the same state of anarchy that then prevailed. It placed the control of the whole matter in the usurping legislature that then existed and others to be elected, under the laws that it had passed, depriving of citizenship, on the one hand, all the friends of Freedom, who would not swear to support the Fugitive Slave Bill, and on the other hand clothing with the right to vote all others who presented themselves with a fee of one dollar whether from Missouri or not.

But as the true remedy, Sumner urged the prompt passage of the bill, moved by Seward as the substitute for that of Douglas, and providing for the immediate admission of Kansas as a State. This he urged, as a remedy for the existing troubles, and the only protection they could hope for against other and greater ones that threatened. He urged it as a measure of justice to the people who ought to have a right to create their own government for themselves. He insisted that in admitting them, with the Constitution they had already formed for themselves, they only followed the precedent established in the ad-

mission of Michigan and that to require them to have such a population, as the bill proposed by Douglas provided for, was to place a condition upon Kansas that only three States fulfilled, while fifteen others had fallen short, which three States with Senators then on the floor did not fulfil and which three colonies at the formation of the Union could not meet, viz., have a population of 93,000. Such a requisition laid upon Kansas was unjust, especially in view of conditions then existing in the Territory. She did then have a population, as he estimated, of from 50,000 to 60,000, and eight States had been admitted whose population did not equal 60,000. So that there was no reason which could be drawn from precedent or from justice to forbid the immediate admission of Kansas with the Constitution she had already formed for herself.

Sumner spoke feelingly of the attitude that had been maintained by the Administration towards Kansas. Referring to the period of the American Revolution and our struggles with the Mother Country, he affirmed that there was hardly a complaint contained in the enumeration in the Declaration of Independence against the King of Great Britain that could not be urged with as much justice by the people of Kansas against the President. He had "sent swarms of officers to harrass their people," he "had combined with others to subject them \* \* \*" and given his assent to acts of pretended legislation"; he "had waged war against them," "excited domestic insurrection," and "to their repeated petitions had answered only by repeated injury." And, as the tyranny of the King had been renewed in the President, so Sumner urged, upon the floor of the Senate had been renewed the butt of sorry jest and supercilious assumption against the petitions of Kansas that had met the prayers of our fathers to the British Parliament.

"With regret," here he said, "I come again upon the Senator from South Carolina (Butler) who omnipresent in this debate, overflows with rage at the simple suggestion that Kansas has applied for admission as a State, and with incoherent phrase, discharges the loose expectoration of his speech now upon her Representative and then upon her people. There was no extravagance of the ancient Parliamentary debate which he did not repeat; nor was there any possible deviation from truth which he did not make with so much of passion, I gladly add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure, —with error sometimes of principle, sometimes of fact. He shows an incapacity of accuracy in stating the Constitution or in stating the law, whether in detail of statistics or diversions

of scholarship. He cannot ope his mouth but out there flies a blunder. Surely he ought to be familiar with the life of Franklin, and yet he refers to this household character, while acting as the agent of our fathers in England, as not above suspicion: and this was done that he might give point to a false contrast with the agent of Kansas,—not knowing that, however the two may differ in genius and fame, they are absolutely alike in this experience, that Franklin when entrusted with the petition from Massachusetts Bay, was assaulted by a foul-mouthed speaker where he could not be heard in defence, and denounced as ‘thief’ even as the agent of Kansas is assaulted on this floor and denounced as ‘forger.’ And let not the vanity of the Senator be inspired by the parallel with the British Statesman of that day; for it is only in hostility to Freedom that any parallel can be found.”

“ But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming as he announces ‘from a State,’—aye, Sir, from South Carolina—he turns with lordly disgust from this newly formed community, which he will not recognize even as ‘a member of the body politic.’ Pray, Sir, by what title does he indulge in this egotism? Has he read the history of the ‘State’ which he represents? He cannot surely forget its imbecility from slavery, confessed throughout the Revolution, followed by its more shameful assumption for slavery since. He cannot forget its wretched persistence in the slave trade, as the very apple of its eye, and the condition of its participation in the Union. He cannot forget its Constitution which is republican only in name, confirming power in the hands of the few, and founding the qualification of its legislators on ‘a settled freehold estate of five hundred acres of land and ten negroes.’ And yet the Senator to whom this ‘State’ has in part committed the guardianship of its good name, instead of moving with backward treading steps to cover its nakedness, rushes forward in the very ecstacy of madness to expose it, by provoking comparison with Kansas. South Carolina is old; Kansas is young. South Carolina counts by centuries, when Kansas counts by years. But a beneficent example may be born in a day; and I venture to declare, that against the two centuries of the older ‘State’ may be set already the two years of trial, evolving corresponding virtue, in the younger community. In the one is the long wail of Slavery; in the other, the hymn of Freedom. And if we glance at special achievement, it will be difficult to find anything in the history of South Carolina which presents so much of heroic spirit, in an heroic cause as shines in that repulse of the Missouri in-

vaders by the beleaguered town of Lawrence, where even the women gave their effective efforts to Freedom. The matrons of Rome who poured their jewels into the treasury for the public defence, the wives of Prussia who with delicate fingers clothed their defenders against the French invasion, the mothers of our own Revolution who sent forth their sons covered with prayers and blessings to combat for human rights did nothing of self sacrifice truer than did these women on this occasion. Were the whole history of South Carolina blotted out of existence from its very beginning down to the day of the last election of the Senator to his present seat on this floor, civilization might lose—I do not say how little, but surely less than it has already gained by the example of Kansas, in that valiant struggle against oppression, and in the development of a new science of emigration. Already in Lawrence alone are newspapers and schools,—and throughout this infant Territory there is more of educated talent, in proportion to its inhabitants, than in his vaunted ‘State.’ Ah, Sir, I tell the Senator that Kansas, welcomed as a Free State, ‘a ministering angel shall be’ to the Republic, when South Carolina, in the cloak of darkness which she hugs, ‘lies howling.’”

“The Senator from Illinois (Douglas) naturally joins the Senator from South Carolina, and gives to this warfare the superior intensity of his nature. He thinks that the National Government has not completely proved its power, as it has never hanged a traitor,—but if occasion requires, he hopes there will be no hesitation, and this threat is directed at Kansas and even at the friends of Kansas throughout the country. Again occurs a parallel with the struggles of our fathers; and I borrow the language of Patrick Henry when to the cry of the Senator of ‘Treason! Treason!’ I reply, ‘If this be treason make the most of it.’ Sir, it is easy to call names; but I beg to tell the Senator, that if the word ‘traitor’ is in any way applicable to those who reject a tyrannical usurpation whether in Kansas or elsewhere then must some new word of deeper color be invented to designate those mad spirits who would endanger and degrade the Republic, while they betray all the cherished sentiments of the Fathers and the spirit of the Constitution, that slavery may have new spread. Let the Senator proceed. Not the first time in history will a scaffold become the pedestal of honor. Out of death comes life and the traitor whom he blindly executes will live immortal in the cause.”

“Among these hostile senators is yet another, with all the prejudice of the Senator from South Carolina, but without his generous impulses who from his character before the country,

and the rancor of his opposition, deserves to be so named: I mean the Senator from Virginia (Mason) who as author of the Fugitive Slave Bill, has associated himself with a special act of inhumanity and tyranny. Of him I shall say little, for he has said little in this debate, though within that little he has compressed the bitterness of a life absorbed in support of Slavery. He holds the commission of Virginia, but he does not represent that early Virginia, so dear to our hearts which gave us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington by which Independence was secured; he represents that other Virginia, from which Washington and Jefferson avert their faces, where human beings are bred as cattle for the shambles and a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life. It is proper that such a Senator representing such a State, should rail against Free Kansas."

"Such as these are natural enemies of Kansas and I introduce them with reluctance, simply that the country may understand the character of the hostility to be overcome."

Such as these he said were the powers necessary to be overcome to bring Freedom to Kansas. This was the duty that was now laid upon Congress; and to be accomplished, it must lay aside all machinations of candidates and party politics and turning from the slave oligarchy so long in control of the Republic dedicate itself to this great work. Except for slavery it would not dare to refuse this act of justice, law and order. But the slave power dared anything; and it could be conquered only by the united masses of the People. To them, therefore, he appealed. Already public opinion was gathering and the indignant utterance was finding expression through the press, and in daily conversation, wherever men met. Against every man, whether in office or out of it, whose hand had been set to the removal of the ancient Landmark of Freedom, the imprecation of the People would be laid. They would unite once more with the Fathers of the Republic in just condemnation of Slavery. For this, Kansas stood forth patiently waiting, but with no uncertain issue. She offered herself for admission to the Union but only as a Free State.

In conclusion he pointed out that the contest beginning in Kansas, would soon be transferred from Congress to the people about to vote for a Chief Magistrate of the Republic. And he appealed to the ballot-box of the Union to protect the ballot-box of Kansas and the voters, while rejoicing in their own rights

everywhere, to help guard the equal rights of their distant fellow citizens.

He closed near three P. M. having spoken altogether five hours. And soon as he was seated the effect of his speech was apparent. Cass was the first on his feet to reply. He had heard it he said "with equal regret and surprise"—a speech "the most un-American and unpatriotic that ever grated on the ears of the members of this high body." Douglas followed, coarse in personalities. "He seems to get up a speech as in Yankee-land they get up a bed-quilt \* \* \* made of old calico dresses of various colors;" growing virtuous, "We have another dish of the classics served up—classic allusions, each one only distinguished for its lasciviousness and obscenity,—each one drawn from those portions of the classics which all decent professors in respectable colleges cause to be suppressed as unfit for decent young men to read. Sir, I cannot repeat the words. I should be condemned as unworthy of entering decent society, if I repeated those obscene, vulgar terms which have been used at least a hundred times in that speech." Again, "The senator from Massachusetts had his speech written, printed, committed to memory, practised every night before the glass with a negro boy to hold the candle and watch the gestures, and annoying the boarders in the adjoining rooms until they were forced to quit the house." Mason followed: "I am constrained to hear here depravity, vice, in its most odious form, uncoiled in this presence, exhibiting its loathsome deformities in accusation and vilification against the quarter of the country from which I come; and I must listen to it because it is a necessity of my position, under a common government, to recognize as an equal politically one whom to see elsewhere is to shun and despise."

The "classic allusions" and "vilification" to which the references are made have been quoted and the reader can see for himself what foundation there was for these thrusts. It was not unusual for Southerners by laughing and talking in an undertone among themselves, making trifling allusions to what was said and in such ways to annoy an anti-slavery speaker. Sumner experienced this while speaking and he had asked the sergeant at arms to preserve order, when he was in turn called to order by them for not addressing his request to the presiding officer. When Mason closed, Sumner's patience was exhausted and he was on his feet again.

Reminded of the friendly relations that had existed between himself and Cass both in Europe and America, he declined to enter into a controversy with him, regretting that Cass had so far forgotten them as to meet his argument with abuse.

He said; "Mr. President,—Three Senators have spoken; one venerable in years with whom I have had associations of personal regard longer than with anybody now within the sound of my voice, the Senator from Michigan; another the Senator from Illinois and a third the Senator from Virginia."

"To the Senator from Illinois I should willingly yield the privilege of the common scold,—the last word; but I will not yield to him in any discussion with me, the last argument or the last semblance of it. He has crowned the outrage of this debate by venturing to rise here and calumniate me. He has said that I came here, took an oath to support the Constitution, and yet determined not to support a particular clause in that Constitution. To this statement I give to his face the flattest denial. When it was made previously on this floor by the absent Senator from South Carolina, I then repelled it." \* \* \*

"Sir, this is the Senate of the United States, an important body under the Constitution, with great powers. Its members are justly supposed, from years, to be above the intemperance of youth, and from character to be above the gusts of vulgarity. They are supposed to have something of wisdom and something of that candor which is the handmaid of wisdom. Let the Senator bear these things in mind and remember hereafter that the bowie-knife and bludgeon are not proper emblems of senatorial debate. Let him remember that the swagger of Bob Acres and the ferocity of the Malay cannot add dignity to this body. The Senator infused into his speech the venom sweltering for months,—aye for years; and he has alleged matters entirely without foundation, in order to heap upon me some personal obloquy. I will not descend to things which dropped so naturally from his tongue. I only brand them to his face as false. I say also to that Senator, and I wish him to bear it in mind, that no person with the upright form of man can be allowed—" (hesitating)

Douglas. "Say it."

Sumner. "I will say it,—no person with the upright form of man can be allowed, without violation of all decency to switch out from his tongue the perpetual stench of offensive personality. Sir, that is not a proper weapon of debate, at least on this floor. The noisome squat, and the nameless animal to which I now refer is not the proper model for an American Senator. Will the Senator from Illinois take notice?"

Douglas. "I will—and therefore will not imitate you, Sir."

Sumner. "I did not hear the Senator."

Douglas. "I said if that be the case, I would certainly never

imitate you, in that capacity,—recognizing the form of the illustration.”

Sumner. “Mr. President, again the Senator switches his tongue and again he fills the Senate with its offensive odor. But I drop the Senator.”

“There was still another, the Senator from Virginia, who is now also in my eye. That Senator said nothing of argument and therefore there is nothing of that to be answered. I simply say to him that hard words are not argument, frowns are not reasons nor do scowls belong to the proper arsenal of parliamentary debate. The Senator has not forgotten that on a former occasion I did something to exhibit the plantation manners which he displays. I will not do any more now.”

From these personal parts of Sumner’s speech, and they have all been given, the reader can judge whether there was any thing said of Butler and South Carolina or even of Douglas and Mason that would justify the assault that was soon after made on Sumner by Preston S. Brooks of South Carolina. He claimed that the words quoted were a libel upon Butler and South Carolina. Having the language before him the reader can judge of this question for himself.

The speech, however, has a merit, independent of this circumstance. It was one of the greatest efforts of Sumner’s life and it was a large influence in the election which followed, and so among the factors in the destruction of slavery.

## CHAPTER XXIII

THE ASSAULT UPON SUMNER BY PRESTON S. BROOKS—ACTION OF CONGRESS—RESIGNATION AND RE-ELECTION OF BROOKS—APPROVAL OF THE ACT BY THE SOUTH—FEELING AROUSED BY IT IN THE NORTH—DEATHS OF BROOKS, KEITT AND BUTLER

By the speeches Sumner had made against slavery he had incurred the settled displeasure of the Southern men in Congress. He was the most fearless and outspoken of the Free-Soilers. His speeches were carefully prepared, attractive and widely circulated and read. When delivered in the Senate, by reason of the exhaustive treatment of the subject they might seem cumbersome but not so to intelligent readers by the fireside at home. They were peculiarly effective in arousing public sentiment. Naturally at this latest protest against the extension of slavery the Southern Members felt resentment; and the bitterness they freely expressed not unnaturally found a disordered mind to give it effect.

John A. Bingham, a Representative of Ohio, who had heard the speech and seeing, in the faces of the Southerners, the displeasure with which it was received, warned Sumner of the danger of personal injury he was encountering. His colleague Wilson and Representatives Schuyler Colfax and Anson G. Burlingame, sharing the same feeling of apprehension, at the close of the session, proposed to accompany him home. But Sumner always slow to believe harm of others, laughingly put aside their fears and quietly slipped away by himself. Subsequent events, however, showed that they were right in their apprehension for his safety. A plot to waylay him on his way to the Capitol on the two succeeding days failed of execution only by reason of his taking unaccustomed routes. But the miscarriage of their plots only delayed the execution of the purpose.

Preston S. Brooks the assailant was a Representative of South Carolina. He was an attorney by profession and the son of an attorney. He came from an obscure District in the western part of the State, living in the little village of Ninety-six in the midst of a region of rich plantations, where to this day the current of the world's vigorous life seldom reaches. He

was a very large, powerfully built man, more than six feet in height, somewhat slovenly in his dress, wearing his clothes large and hanging loosely about his spare frame, the collar of his shirt carelessly rolled and held in place by a four-in-hand tie dangling on his bosom, his hair long after the manner of Southerners of that day. He was retiring in his disposition, having few intimates and taking little part in the proceedings of the House. In fact the one act in his Congressional career that rescues his name from oblivion is the brutal assault he made on Sumner. Except for this, he would not be remembered outside of his District and hardly there. Sumner did not know him at all and, therefore, private considerations could have had nothing to do with his conduct. He was distantly connected with Senator Butler, his father having been Butler's cousin and so he claimed the right to avenge an alleged libel upon him and his State, contained in Sumner's speech. Brooks represented the extreme passion and prejudice of the South, whose feeling against Sumner had been provoked to violence by his persistent and telling agitation against Slavery. His confederates were Representatives Keitt of South Carolina and Edmundson of Virginia.

The testimony of what occurred was taken under oath by a Congressional Committee. It thus appeared that Bingham, who had warned Sumner at the close of the session of Tuesday, had no ground for his apprehensions, but his own conclusions drawn from the looks and conduct of Southern Members and their friends and the expressions of Douglas and Mason during the debate. Brooks had been a listener to Sumner's speech on the first day, but had not heard the part delivered on the second, though he had heard it discussed by Southern men and women, at hotels and in the lobbies of the Capitol and thus received exaggerated reports of what had been said, in his absence. He had not read any of it, though while making the assault he said he had. His mind was inflamed with the thought that he would be doing his section a service by assaulting and punishing Sumner for the words he had spoken.

He lay in wait for Sumner for an hour or more at the Pennsylvania Avenue approach to the Capitol before the opening of the Senate on the day succeeding the speech, but Sumner had gone in by another way and he missed him. There he met Edmundson and they talked of his purpose and together they waited till the lateness of the hour persuaded them that their longer stay would be in vain. They met again there at the same hour on the next day and again they waited, but Sumner had gone earlier to the Senate and they were again disappointed.

Brooks told Edmundson that he would attack Sumner there if he walked to the Capitol, but if he drove he would hurry up the steps and meet him, in the Rotunda, or on the other side of the Capitol, where the carriages were accustomed to stop. But Edmundson, nicely calculating the chances of this knightly encounter thus planned, reminded him that the labor of ascending the steps to reach the proposed place of attack would necessarily exhaust him and unfit him for the assault; and that plan was accordingly abandoned. So the two went into the Capitol together, parting in the Rotunda, Edmundson going to the House and Brooks to the Senate.

The Senate remained in session but a few minutes to hear the eulogy of Senator Geyer of Missouri on the death of Representative Miller of the same State, when out of respect for the deceased, it adjourned at 12.45 P. M., the House having adjourned fifteen minutes earlier. Sumner after the adjournment of the Senate, remained in his seat writing. To several persons who came to him he excused himself with the statement that he wished to complete some work for a mail that was about closing. He sat close up to his desk with his feet and legs well under it. Being a large man and the desk small for him, he could not rise without first pushing his chair back so as to release his legs. His head was well down over the desk intent on the work before him and he did not see what was passing about him.

Brooks reached the Senate before its adjournment and stood leaning against the side of the entrance to the main-aisle not more than twenty feet from Sumner's chair and behind him. When the Senate adjourned, the most of the Senators passed out. Brooks then entered the Chamber and seated himself across the aisle, but nearer Sumner. Seeing a lady present, he asked an officer of the Senate to get her out, but the officer seeing no reason for doing so, declined. Brooks then went out of the Chamber to Edmundson and proposed that he should send in for Sumner to come out, but Edmundson suggested that Sumner would probably only send for Brooks to come in and so interfere with his other plans. Brooks therefore returned to the Chamber. Edmundson remained at the entrance while Keitt stood waiting behind the Vice-President's chair.

Brooks passed directly to Sumner's chair. Sumner did not notice his presence till he heard some one call his name, when looking up he caught the words; "I have read your speech over twice carefully; it is a libel on South Carolina and Mr. Butler who is a relative of mine"—and while he was still speaking and apparently without finishing the sentence, the tall powerfully

built stranger raised a heavy cane and struck him with all his force over the head. Sumner threw up his arms and endeavored to protect himself but the first blow blinded him and Brooks continued to rain blow after blow upon his head as hard and as fast as he could, wounding also Sumner's arms and his hands.

Sumner was pinioned down, with the desk fastened to the floor and his chair, holding his legs so that he was completely at the mercy of his assailant. He was entirely unarmed, and besides had no opportunity to use a weapon. But being a powerful man, in the agony of his struggles, he wrenched the desk from its fastenings and staggered forward endeavoring to escape the blows. He could not see his assailant who had grabbed him by the collar and standing above him in the descending aisle, continued the blows even after the cane was broken and Sumner had fallen senseless and bleeding at his feet. His arm was stayed at last and he was forced away from Sumner by Representatives Morgan and Murray of New York, who though fifty feet away and standing with their backs turned, upon their attention being attracted, had promptly rushed to Sumner's rescue. Senator Crittenden of Kentucky hurried to his assistance from another direction, openly and emphatically condemning the conduct of Brooks. Keitt ran to the assistance of Brooks and threatened to strike Crittenden crying to him, "Let them alone. G—d d—n you!" Edmundson rushed in to Brooks' assistance from another direction. And cries were heard: "Don't interfere!" "Go it, Brooks!" "Give the d—d Abolitionist h—l!" etc. Keitt like Brooks was armed with a cane, which he flourished as he came forward, threatening those who interfered and he kept his hand upon a pistol ready for use.

Toombs of Georgia at the commencement of the assault stood in front of the Vice-President's chair in plain view, talking to Governor Gorman of Minnesota. They observed the assault from its commencement. Gorman started to interfere but Toombs stood still. He made no effort to protect Sumner, afterwards stating that he approved the assault; but seeing the danger that Crittenden, a Southern Senator, had encountered in his effort to rescue Sumner, he went to his protection. Slidell, of Louisiana, and Douglas were near at hand in an ante-room, engaged in conversation, when a messenger rushed up and announced that some one was assaulting Mr. Sumner. Neither attempted to interfere. Slidell afterwards said that he heard of the assault without "any particular emotion; for his own part he confessed he felt none, that he had no associations or

relations of any kind with Sumner and had not spoken to him for two years." Yet Slidell it was who had thanked Sumner five years before for his "chivalrous and zealous" defence of his brother, the captain of the *Somers*, against the charge of wrongfully hanging the son of the Secretary of War and his co-conspirators.

Sumner in a measure lost consciousness with the first blow and when he recovered he was lying in the aisle of the chamber with his head supported on the knee of Mr. Morgan. Dazed and half unconscious as he was, he thought he saw his assailant standing, still gazing intent upon him, supported on either side by Douglas and Toombs. As to Douglas, who had not left the anteroom, he was mistaken. While Sumner was being assisted from the Chamber to a sofa in the lobby, by Mr. Morgan and James W. Simonton, a reporter for the New York Times, and others, he recognized Slidell retreating before him. His wounds were dressed by a physician who was hastily summoned and he was removed by his colleague Wilson and Representative Buffington in a carriage, still only partially conscious, to his room.

Upon examination it was found that he had received numerous wounds, two principal gashes, one over each ear and a little back, each about two inches long and laying the flesh open to the bone. Others more or less severe to the number of twenty or more were on different parts of the head and arms and hands. Blood flowed copiously from the wounds, especially from those on the head, so that his coat and waistcoat and the collar and bosom of his shirt were, in places, saturated. So much had flowed upon the shoulders of his coat that it soaked through the broadcloth and padding of the shoulders and appeared through the lining. "He was covered with blood," according to General Webb, afterwards Minister to Brazil, as he "never saw man covered before." Another witness, William J. Leader, though belonging to a different political party, declared that "it was one of the most cold-blooded, high-handed outrages ever committed and that had not Mr. Sumner been a very large and powerfully built man it must have resulted in his death." The hands and cuffs of Mr. Morgan who supported his head were covered with his blood.

The weapon with which he was assaulted was a walking-stick made of gutta-percha, one inch in diameter at the larger end and tapering to five-eighths, at the smaller. It was broken with the weight of the blows. Owing to its weight, when used by a powerful man, it was a murderous weapon. The physical condition of Sumner and the masses of his full head of hair, which he wore long at the time, probably saved his life.

Promptly the morning after the assault, Wilson arose in his place in the Senate and recited the circumstances of the assault, but having done this much he left it for other Senators to decide what measures should be taken. The Free-Soilers were largely in the minority and it had been agreed among them that it should be left to the opposition to propose a remedy and that Sumner's friends would do nothing more than state the case unless it should appear that the Democrats would propose nothing. After Wilson's statement, a short silence followed and the Presiding officer was calling for other business, when Seward arose and moved the appointment by the Chair of a committee of five to inquire into the circumstances of the assault and report a statement of the facts and their opinion thereon to the Senate. Wilson seconded it. Mason moved to amend so that the Senate instead of the Presiding officer would select the committee and the motion thus amended was carried. Seward and Wilson, the movers, who, according to all rules, should have been selected, were excluded from the committee and those chosen were all from the opposition. Two of the five were from the Slave States; another was Cass. The committee reported that the Senate had no power to arrest or punish a Member of the House and that all they could do was to complain to that body. A copy of the affidavits taken by the committee and of their report was ordered sent to it.

When the testimony of Sumner was read, giving his recollection of the conduct of Toombs, Slidell and Douglas during the assault, it called forth explanations from them and Butler who had in the meantime returned to Washington. They approved the conduct of Brooks. This brought the Free-Soilers to their feet.

Wade said that he proposed to vindicate the right of free speech, though he had to come armed to do so.

Wilson said it was "a brutal, murderous and cowardly assault." To which Butler ejected, "You are a liar!" This furnished its own comment upon the conduct of Brooks, when seeking to justify his act, by the language used by Sumner of Butler.

In the House on the day after the assault, Campbell of Ohio, moved the appointment of a committee by the Speaker to investigate and report the facts with such resolutions as in its judgment would vindicate the House. Campbell with four others were appointed, three Northern Free-Soilers and two Southern Democrats, all able men. This committee was sincere in its efforts to investigate the circumstances of the assault. It invited Brooks to be present and ask the witnesses any ques-

tions he desired. It took the testimony of Sumner at his rooms, he being unable to attend the sittings, and it called other witnesses to the facts, before it, and subjected them all to an examination under oath, both sides being represented. It occupied five days with the investigation and on the sixth made reports to the House. The majority reported that it was an unprovoked outrage in violation of the privileges of both the Senate and the House and of the provision of the Constitution which declared that a member "for any speech or debate in either house shall not be questioned in any other place." It concluded with a resolution for the expulsion of Brooks and of censure of Keitt and Edmundson. It was signed by the three Free-Soilers, Campbell of Ohio, Spinner of New York and Pennington of New Jersey. The minority composed of Cobb of Georgia and Greenwood of Arkansas reported that the House had no jurisdiction of the case and declined to express any opinion on the facts.

The House refused to adopt the report of Cobb and Greenwood, by a vote of sixty-six yeas and one hundred and forty-five nays. The resolution of expulsion was lost, yeas one hundred and twenty-one, nays ninety-five, it not having received the necessary two-thirds vote. Keitt was censured; Edmundson was not.

As soon as the vote on the resolution of expulsion was taken, Brooks arose and with some difficulty obtained permission to address the House. Giddings opposed it, but finally yielded to the persuasion of friends and withdrew his objection. Brooks then proceeded in a braggart speech in which he insinuated that "a blow struck by him then, would be followed by a revolution, which would result in subverting the foundations of the Government and in drenching the Hall of Congress in blood," admitted that he had committed the assault "very deliberately" and insinuated that if Sumner had resisted he would have killed him. He closed by declaring that he was no longer a member of the House. He had already placed his resignation in the hands of the Governor of his State to take effect when he announced it himself in Congress. By this means he prevented any farther action being taken against him by the House.

Mason and Butler sat near him in the House while he spoke and when he finished and walked out of the door he was met by Southern women who were present to congratulate him. Keitt also resigned, to procure the indorsement of his constituents, upon his conduct. Both were promptly re-elected, with substantial unanimity and were back in their places in the

House within a few days, completely purged of the political consequences of their deeds.

The criminal punishment inflicted was hardly less a farce. A complaint was made against Brooks alone and he was indicted by the Grand Jury. He appeared in court, attended by a coterie of Southern friends, among whom were Mason and Butler, admitted the assault, but sought to justify it in a speech likening himself to husbands who defend their wounded honor. He was fined three hundred dollars and discharged without imprisonment. Sumner took no part in the prosecution, except when subpoenaed to appear and testify before the Grand Jury. He disclaimed all responsibility for it, realizing that any punishment would be inadequate for the injuries he had received and the hopelessness of expecting proper consideration for the case from the courts of the District, as then constituted.

But Sumner never held Brooks personally responsible. He considered him as the irresponsible agent of slavery which he regarded as the guilty principal deserving the punishment. During his long years of suffering, no one heard him speak unkindly of Brooks, but as soon as he reached his rooms after the assault, he declared that whenever he was able to return to the Senate he would renew the warfare against slavery. Years after, when one day walking in the Congressional Cemetery at Washington, his companion, George William Curtis, called his attention to a cenotaph of Brooks, which Sumner had not before noticed. His only remark was, "Poor fellow! Poor fellow!" To the question then asked by Curtis, "How did you feel about Brooks?" He replied: "Only as to a brick that should fall upon my head from a chimney. He was the unconscious agent of a malign power."

The feeling aroused by the assault was tremendous. The opinion has been ventured that no other event except a national victory or defeat was ever attended in this country with so much excitement. It was not regarded simply as the assault of one man upon another, whatever prominence might be given to the principals. The parties were treated as two rival powers, Freedom and Slavery, and the assault as the attitude of the contending forces towards each other. Before the assault affairs in Kansas had arrested the attention of the country, as a condition bordering closely upon civil war; but the South opposed all discussion of the slavery question. Now the North felt that the South was determined to suppress, by the bludgeon, the right of free thought and free speech. Though it was never proved, the conviction was wide spread, at the time, that the act of Brooks was the result of a conference of Southern statesmen

whereat it was determined that the North must be silenced by an example, made of Sumner. The act of an obscure Representative, whose name was hardly known beyond his own District in staining the floor of the Senate Chamber with the blood of a Senator, who sat quietly writing at his desk, sent a wave of passion over the country.

When Sumner's colleague Wilson followed Wade in answering the speeches of Toombs and Slidell approving the assault, by pronouncing it "brutal, murderous and cowardly", this language incensed Brooks and he soon after by the hand of Joseph Lane of Oregon, later, on the ticket with John C. Breckenridge of Kentucky, a candidate for Vice-President, sent Wilson a challenge to a duel.

A few days later, in a debate on the Kansas bill, Butler undertook to reply to Sumner's speech. His answer abounded in personalities. With much unction he said that against the complaints of his friends, he had "kept up an intercourse with Sumner which was calculated to give him a currency far beyond what he might have had." This speech brought Wilson to his feet who, after ridiculing "the piny wood doctrine—the plantation idea" that Butler could give Charles Sumner social standing anywhere, then proceeded at length to enumerate the instances and quote the language of Butler in his speeches, to show that ever since Sumner entered the Senate, he had been wilfully insulting and aggravating towards him.

In the House the display of feeling was greater than in the Senate.

Burlingame, one of the Boston members denounced the act "in the name of that fair play which bullies and prize-fighters respect" and said that in a place hitherto sacred against violence he had smote Sumner as Cain smote his brother.

For this language Brooks sent a challenge to Burlingame, which was accepted. Campbell, who had the arrangement of the preliminaries, fixed the Clifton House, Canada, as the place of meeting; and Burlingame, late at night, left Washington to keep the appointment, but he was recalled, Brooks having declined. His excuse was that in the excited state of feeling, in the North, it would be unsafe for him to pass through it to reach Canada.

But the large vote for expulsion made Southerners feel they had gone too far. The Northern and Western members were harmonious. Instead of the usual self-confident one, Southerners adopted an apologizing tone in meeting the indignation awakened by the deed. Public feeling and the fear that it

might influence the National election, in which they hoped again to be successful were having an effect upon them.

These considerations were, however, little felt in the Southland. There the feeling was one of general congratulation. There may have been individuals who hesitated to adopt the act, actuated by opposition to slavery or abhorrence of the deed or cautioned by the clouds that seemed to be gathering, which their less thoughtful neighbors had not observed; but if so they were silent in the presence of the uniform and uncontrollable rejoicing of their neighbors that the wilful spirit of interference with their institution had at last been rebuked by physical force. The act of Brooks was generally indorsed, in the States that were afterwards in rebellion.

Within a week after the assault some South Carolinians to show their appreciation of his act presented Brooks with a cane bearing the inscription, "Hit him again." Another cane was presented to him by the students of the University of Virginia.

The attitude of the newspapers of the South was frankly stated by *The Richmond Examiner* when it said that they "applauded the conduct of Brooks without condition or limitation, that their approbation was entire and unreserved."

But the South was not more united in the support of Brooks than the North was in support of Sumner. The Legislature of Massachusetts, the Ministers of Boston and the Abolition Convention at Syracuse, New York, condemned it. There was a monster meeting held in New York city, which was addressed by William Cullen Bryant and others. William M. Evarts presented the resolutions, which after narrating the facts declared that there was nothing "in the meditation, the preparation or the execution of this outrage by Brooks which should qualify the condemnation with which they pronounced it, brutal, murderous and cowardly." Two meetings were held in Boston, one at Chapman's Hall, addressed by Wendell Phillips; another at Faneuil Hall addressed by the Governor of Massachusetts, and others; one at Cambridge addressed by Felton, Sparks, Longfellow and others. Meetings in condemnation of the act were also held at Canandaigua, N. Y., Providence, R. I., and Concord, Mass.

The address of Ralph Waldo Emerson at the Concord meeting contained a discriminating tribute to Sumner: "I think, Sir," he said, "if Mr. Sumner had any vices, we should be likely to hear of them. They have fastened their eyes like microscopes, now for five years, on every act, word, manner and movement, to find a flaw,—and with what result? His oppo-

nents accuse him neither of drunkenness, nor debauchery, nor job, nor peculation, nor rapacity, nor personal aim of any kind. No; but with what? Why, beyond this charge which it is impossible was ever sincerely made, that he broke over the proprieties of debate, I find him accused of publishing his opinion of the Nebraska conspiracy in a letter to the people of the United States, with courtesy. Then that he is an Abolitionist, as if every sane human being were not an Abolitionist, or a believer that all men should be free. And the third crime he stands charged with is, that his speeches were written before they were spoken; which of course must be true in Mr. Sumner's case,—as it was true of Webster, of Adams, of Calhoun, of Burke, of Chatham, of Demosthenes, of every first-rate speaker that ever lived. It is the high compliment he pays to the intelligence of the Senate and of the country. When the same reproach was cast upon the first orator of ancient times by some caviller of his day, he said, 'I should be ashamed to come with one unconsidered word before such an assembly.'"

"Mr. Chairman, when I think of these most small faults as the worst which party hatred could allege, I think I may borrow the language which Bishop Burnet applied to Sir Isaac Newton, and say that Charles Sumner 'has the whitest soul I ever knew.'"

Sumner's European friends were astonished at the assault and declared that it revealed a condition of things in the United States inexplicable to Englishmen. And right well it might. It was a decided jar to the people of the North. The whole affair, in its inception, its execution and its conclusion in the South, furnished an object lesson of the political condition of the country as caused by slavery that had not been realized before.

While the proceedings for the expulsion of Brooks were pending, in the House, the National Conventions had been held. The Republicans had united on the issue between the North and the South. For President they had nominated John C. Fremont, a young man with a career having all the interest of fiction, an ideal candidate for a new party. The Democrats had nominated James Buchanan; and the pro-slavery wing of the American party nominated Fillmore. The contest was a warm one. The assault of Brooks and his later brag that a blow by him would dissolve the Union, entered into the campaign. The Republicans declared that they did not want a Union that was held together at the pleasure of one man. Sumner thus became an issue in the campaign and there was an unprecedented demand for copies of his speech. It became a campaign docu-

ment and was circulated by the hundred thousand. It was printed in the newspapers and there were large pamphlet editions at Washington, New York and Boston and San Francisco. It appeared in German and Welsh and was reprinted in London.

It may not be amiss to follow the other parties to this tragedy a step farther. Brooks lived to return to Congress, at its next session, and to make a speech for slavery. But he did not live to see the close of the session. His manner and appearance changed; his black hair turned gray, he seemed nervous and ill-at-ease, casting furtive glances about him wherever he went, as if fearful of retribution, silent and dissatisfied; men and women of the North, who had mingled with him before, now avoided him; he had no associates except from his own section. The notoriety he had acquired became distasteful to him; he confessed he was tired of appearing as the prince of bullies. Sumner narrowly escaped death at his hands, and his vacant chair in the Senate Chamber reminded him while he lived of the suffering he had caused. Remorse for his deed seemed to seize him and affect his health. But it did not last long. Near the close of January, 1857, he contracted a cold and after a brief illness, so brief that it was not known to the public, it took the form of a violent croup, or inflammation of the throat and he died suddenly a terrible death, struggling and gasping for breath, gripping his throat and apparently trying to tear it open. No physician was at hand to afford him relief.

The news of his death went out among his associates in Washington, and over the country, and recalled the wounds inflicted upon Sumner, still less than a year old, with the circumstances fresh in men's minds. A feeling seemed to prevail that the same Power which apparently had avenged this wrong might also avenge the wrongs of the slaves.

Two days after his death, eulogies were pronounced upon Brooks in the House, but in them there was, with one exception ill-starred and in bad taste, no reference to the assault upon Sumner. The same day he was buried from the House, in the Congressional Cemetery at Washington, where a cenotaph remains to mark the spot. Two weeks later his body was removed to its final resting-place in the Baptist Churchyard at Edgefield, South Carolina, the place of his birth. Here with a public funeral, a eulogy, with civil and military display, it was laid in the family lot beside that of his father and mother and other relatives. Over it rises a monument to his memory, the most conspicuous in the cemetery, though there also lies the body of Pickens, the Governor of South Carolina, when the first

gun of the Confederacy was fired upon Fort Sumter. The shaft has on it the sentence from Keitt's Congressional eulogy : "Earth has never pillow'd upon her bosom a truer son, nor Heaven opened wide her gates to receive a manlier spirit!" And so with marked honor, was laid to rest by the South this champion of her peculiar institution. It was an example to her young men, who in defence of the same cause, later sought glory upon other fields.

A little later, on the 25th of May, 1857, Butler died at his home in South Carolina. Keitt lived to take an active and vindictive part in the Rebellion and died in battle in 1864, having lived long enough to see the Confederacy his hands had contributed to form, crumbling to pieces. He lies to-day buried, in an unmarked spot, near Saint Matthew, South Carolina, only one county intervening between his grave and that of Brooks. Of them all, Edmundson alone survived the Civil War.

## CHAPTER XXIV

NATURE OF SUMNER'S INJURIES—GOES TO SILVER SPRINGS, TO PHILADELPHIA, CAPE MAY AND CRESSON SPRINGS—HONORS —PUBLIC INTEREST IN HIM—PUBLIC RECEPTION AT BOSTON

AT first Sumner's wounds seemed to heal readily. He was in the prime of life, of vigorous constitution, with good habits, so that everything favored a speedy recovery. When he reached his rooms, after his wounds were dressed, and he had recovered consciousness, he was able to converse and while his wounds were painful and the shock to his system very noticeable, no permanent results were apprehended. The next day, Thursday, he was able to sit up and move about his apartments and he wished to go to the Senate, but was dissuaded from doing so. His condition was not materially different on Saturday and Sunday; but on the fourth day, Monday, unfavorable symptoms appeared. That night he was feverish, unable to sleep; the wounds on his head pained him severely. The glands of his neck became swollen and the tendons sore to the touch, with evidence of inflammation. The next day the large wound on the right side of the head which had been closed with collodion was opened and it discharged a tablespoonful of pus. This afforded him relief from pain and enabled him, under the influence of an opiate, to get some sleep. The next three days, his condition was critical, there being danger of blood poison and erysipelas. But this wound was kept open and poulticed and the symptoms became more favorable. The wounds on the left side of the head healed promptly, and to all appearances naturally. After the opening and poulticing those on the right side healed also.

His vacant chair in the Senate troubled him. He had represented Massachusetts there for more than five years,—years of excitement and hard work, with few rewards. He had been one of a small but diligent minority. All this time, his chair had never been vacant a day. He had been, in the Senate, the leader of the little band of anti-slavery men, in the old dark days. But now the prospect seemed to be changing. Slavery had over-reached itself; the scenes in Kansas and in the Senate Chamber had brought a revulsion of feeling in the North; a

new political party was organizing whose paramount issue was opposition to slavery. For years Sumner had wished for such a party and had been laboring with all his power to create it. There seemed to be a promise of its success. With all this in prospect it was hard for him to suffer enforced idleness. The sands of his term were slipping away and the time for the election of his successor was approaching; he wished to strike slavery again from his vantage ground in the Senate and show his fidelity and his power. His physician seeing this frame of mind had to caution him against its effect upon his shattered health.

Southern statesmen saw the effect the assault was having in the North and feared that Brooks had gone too far. There was a disposition among them to heal it over and hush it up. They made light of Sumner's injuries, insisted that they were insignificant and that there was no reason why he should not be in his place in the Senate. Prominent in this was Butler. In his reply to Sumner's speech, he referred to his absence and said that, judging from Dr. Boyle's statement, he could see no reason why he was not present in his seat, that his wounds were insignificant, that if he were an officer in the army and absented himself from duty under such circumstances he would be cashiered. Again Butler returned to it tauntingly, attributing his absence to his regard for his personal appearance, "being rather a handsome man," evidently hoping that such speeches would hasten his appearance or at least make light of his absence. In Sumner's condition of nervous and physical prostration such things only worried him and retarded his recovery.

Dr. Boyle's services had proven unsatisfactory, not so much from a want of professional ability or even fidelity, but because of his apparent Southern sympathies and surroundings. He offered to go Brooks' bail when arrested; he was the landlord of Edmundson; and he furnished a statement of Sumner's condition to be read in the Senate, which though not untruthful had a tendency to mislead because it was entrusted by the doctor to Butler to present. He was later the physician of Brooks. Just as Sumner was in his most critical condition, when his life for three days seemed to hang in the balance, his brother George arrived in Washington, and the unsatisfactory surroundings of Dr. Boyle becoming known to him, he discontinued his employment and Dr. Harvey Lindsly was employed in his stead, and Dr. Marshal S. Perry of Boston, happening to be in the city, was called in consultation. When Butler made his first statement, that nothing prevented Sumner's presence in the

Senate, Dr. Lindsly, the same day, made a written certificate that Sumner was not able then to be in the Senate, nor would he be for some time to come, and that his advice to him was to go at once away from Washington and its excitement and seek quiet, in the open air.

As the wounds on Sumner's head healed, violent neuralgic pains appeared periodically about the base of the brain and neck and the paroxysms of pain were succeeded by a feeling of heavy pressure,—as Sumner described it, as of fifty-six pound pressure,—upon the head and spinal cord, attended with a feeling of extreme weakness and incapacity for any exertion, either mental or physical. When attempting to walk there was faintness and want of strength and his gait was uncertain and tottering like that of an old man of eighty years of age. From this condition there was for a long time hardly any improvement, but it was attended with alternations of hope and disappointment. For years health was to seem always just within his grasp and yet always eluding him.

To keep him as quiet as possible and prevent the bad effects of excitement visitors were excluded, during the first week, from his room. After that he was permitted to see callers. His own party were diligent in their attentions, but the Democrats remained away. During the first four weeks he was in bed twenty-two hours each day. Somewhat improved he went, about the middle of June, to Silver Springs, the country home of F. P. Blair, in Maryland, but near Washington, where he remained till the fifth of July. Here he suffered a relapse and his life was again despaired of; some symptoms led to the belief that insanity or partial paralysis was the threatening danger. While at Silver Springs he was in Washington only once and then to appear before the Grand Jury under service of a writ of the United States Court. When he returned to Washington on July fifth, it was to arrange to go North, to escape the heat. He left there on July seventh, the same day that Brooks plead guilty to the indictment, going by invitation to Philadelphia, to spend some time at the homes of J. T. and W. H. Furness. Here he was under the care of Dr. Casper Wister.

Dr. Wister advised him to go to the mountains where he would have a high altitude and a cooler atmosphere, but he yielded to the friendly persuasions of the family of James T. Furness to go with them to their cottage at Cape May. Here they hoped the cooling breeze and salt air would restore him to something of the vigor he had enjoyed at his old home by the sea, to which his heart still turned. But they were disap-

pointed. He did not have sufficient strength to either walk by the sea or enjoy bathing. He could only spend his time lying upon a sofa or sitting in an arbor, looking out upon the water. The heat during the day often became insufferable and so on August third he went to Cresson, Pa., in the mountains, where he remained till the first days of September, receiving treatment from Dr. R. M. Jackson and living as the guest of his family.

Here he made some perceptible improvement. But the pressure about his head and spine, his extreme weakness and nervousness, the imperfect use of his limbs, still continued, with wakefulness. He often did not close his eyes in sleep once during the night. Some days he seemed better, others worse, almost as bad as ever, though he could get out of doors, walk a little and ride on horseback, starting very moderately and, as the days passed, increasing the length of his rides. But withal he showed an almost morbid anxiety to be well and back again at his work.

This was revealed in letters that he wrote to his friends. But those who knew his condition urged quiet upon him and complete restoration, before he attempted to do any work.

A nomination for Governor of Massachusetts was talked of to give the people an opportunity by their votes to show their approval of his work in the Senate; but he put it aside. In the National Republican Convention he received votes for both President and Vice-President. The Governor of Massachusetts recommended to the Legislature the payment of the expenses of his illness; and a public subscription for a memorial to him, in approbation of his recent speech was started and a thousand dollars had already been subscribed before it was known to him. He declined and urged that whatever could be given be applied to promote and secure Kansas against the encroachments of slavery. The money subscribed was accordingly given to that object. He contributed one hundred dollars, of his own means, to the same purpose, when a public subscription was started and urged by the public journals in accordance with his suggestion.

The degree of Doctor of Laws was conferred upon him by two colleges, Yale and Amherst. In a peculiarly felicitous letter, President Woolsey of Yale explained that the action of his college, in conferring this degree was dictated neither by political feeling nor by recent occurrences nor yet to secure popular favor; for none of these things would justify literary honors; but that the motive which led to this action was sincere respect for his literary, legal and political attainments and cultivation,

and an equally sincere respect for the principles of his political career. And, he added, what should also have added to the honor, that no outside suggestion had led to this action but that the thought of it had originated entirely within the Corporation.

Such words were a solace to Sumner in the exhausted and broken condition of his health. Literary honors and the approbation of literary men were always grateful to him. In moments of relaxation all his life, his thoughts had easily turned to literature. The lines of a beautiful poem, the pages of some old author, dead perhaps a thousand years, whose genius had created the thought, did not want for appreciation from him. They humanized and broadened the man and lifted him above the statesmanship, which lives only for the hour, into the region of things which will live for all time. Chase and Seward, Wilson, Wade and Giddings were his associates in Washington; but how easily his thoughts turned from them to Longfellow, Whittier, Emerson, Lowell and Holmes at Boston. Their society furnished the pleasure and the inspiration of his quiet hours and their letters were the most carefully preserved among his papers. In his present condition of enforced idleness these resources were precious ones to him.

His physician insisted upon as much quiet and absence of mental exertion as possible. But Sumner was not in a position to be altogether divorced from the campaign that was absorbing public attention. Some of the Republicans, earnest for the success of Fremont, not appreciating his condition, but feeling that he occupied the position of a martyr, and that the enthusiasm his presence and co-operation would awaken, would aid the ticket, urged him to take part. Chase advised him to accept the nomination for Governor of Massachusetts, be elected and hold it till he was again elected to the Senate, when he could resign; Campbell of Ohio who had been the leading spirit, in the House, in securing the investigation of the assault and the large vote for expulsion against Brooks and the censure of Keitt, urged him to be present at a great meeting to be held at Hamilton, Ohio, even if his health would not permit him to speak. The Republicans of Rhode Island urged him to address their State Convention; and calls for him came from many directions in Massachusetts. But under the injunction of his physician, he made the one answer to all of them, that he could not bear even the fatigue of travelling, much less the excitement of the meetings, or the strain which would be required in an effort to speak. But his letters were read at the meetings and

published, and showed the people how unequivocally he stood for the ticket, and how much he wished its success. In this way though silent, he was able to lend his aid. These letters were necessarily very short, for the least exertion seemed to cause a reappearance of his unfavorable symptoms, pressure upon the brain, nervousness and extreme weakness, followed by sleepless nights.

Early in September he left Cresson for Philadelphia, upon the whole improved, but far from being well. He remained during that month with his friends, W. H. and James T. Furness, at Philadelphia and Cape May, receiving treatment again from Dr. Wister. He still hoped to be able to resume his duties at the opening of Congress in December. He was anxious to go to Massachusetts and vote for Fremont and the Republican candidates for Congress. The result on Burlingame was expected to be close and he had been a very active and useful Free-Soil Member, in thorough sympathy with Sumner. And there was more trouble for the ticket in Boston where the Webster Whigs were still numerous and where Burlingame was a candidate than in other parts of the State. Sumner insisted that Boston should sustain Burlingame, not merely to do him honor, but to save herself from dishonor.

He had remained away from Boston, feeling that the excitement attending his return, might affect him injuriously. As soon as it became known that he would go home to vote, a committee waited on him, in Philadelphia, and urged him to accept a public banquet. But he did not feel equal to such an occasion. Under the advice of his physician, it was finally arranged, however, that he would in the quietest way, accept a public reception in Boston. No organizations, civil or military were to be invited, as bodies, to take part, but only citizens, as they might of their own inclination prefer, so that the reception would be altogether spontaneous without any effort being made to work up a crowd.

Sumner reached Cambridge, Sunday morning, November second, two days before the election, and went directly to Longfellow's home. Here he remained until Monday, when he went to the home of Amos A. Lawrence in Brookline, where he was met, after noon, by a procession of carriages containing the reception committee and, in an open barouche, with his physician, Dr. Marshall S. Perry and Professor Huntington of Harvard, the Chairman of the Committee, they proceeded to Boston. As they reached the city line they were met by a large procession. He was presented by Professor Huntington and was welcomed to the city by Josiah Quincy.

Sumner replied briefly, and the procession proceeded to the State House. The whole line of the march was decorated with flags and bunting and streamers. Arriving at the State House, they found the square in front and its steps and doors as well as those of the surrounding houses and even the roofs crowded with people. The stores had closed and the whole population of Boston had turned out to greet him. He was briefly presented to the Governor, who received him in behalf of the State. He expressed the wish that in the quiet of his home he would find complete restoration. Then he counselled the people that Sumner was still a sick man and unable to endure excitement and asked that after the exercises were over, they would leave him to the quiet of his home.

When the Governor had finished and the cheers had subsided, Sumner expressed his gratitude for the privilege of being able to look on these familiar scenes, and thanked them for the hospitality. Here voice and strength failed him and he was compelled to hand his manuscript to the reporters. When he ceased he entered his carriage and was attended to his home. Here another crowd gathered to cheer him till he and his mother appeared at the window. The reception had been generous. All day the weather was propitious, the crowd large and the enthusiasm boundless.

To this reception was attributed the election of Burlingame, who succeeded by a small majority. The Republicans, while their National ticket was defeated, had upon the whole every reason for encouragement. They had carried every New England State and besides New York, Ohio, Michigan, Wisconsin and Iowa.

The Legislature of Massachusetts was Republican and Sumner's reelection was assured. During the previous winter it had been in doubt. At that session, the American party controlled and they discussed the election of some one else. There was some anxiety felt over this and at the suggestion of friends, Sumner procured from the Secretary of the Senate precedents against the validity of such a step. They were published in the Boston papers. His speech on the Crime against Kansas and the Brooks assault followed and no more was heard of the movement, the wave of popular indorsement was so great that all thought of such action was abandoned.

The new Legislature met on January seventh, 1857, and without waiting even for the Governor's Message, it fixed January ninth as the day to elect a Senator. Promptly upon that day they proceeded and upon the roll being called three hundred and thirty-three members of the House voted orally for

Sumner, while twelve votes were cast for nine other persons, three for Robert C. Winthrop, two for Nathaniel J. Lord, the seven remaining being for as many others, including one for Edward Everett, and one for Rufus Choate. Four days later the Senate balloted and every vote was for Sumner. This result was without effort to accomplish it on his part.

The unanimity was gratifying. The contrast between it and the first election was unusual. His first had been accomplished on the twenty-sixth ballot and on the one hundred and fourteenth day of the session, after a long, weary and almost desperate struggle, when every effort was made to defeat him. Now it was substantially unanimous. His party then cast only about one-fifth of the vote of the State, now it cast more than two-thirds of it. He then went to a Senate where he could count only two associates, Chase and Hale, though having the sympathy of two others, Seward and Wade. Now his party numbered one-fourth of the Senate and a majority of the House. Then not a single state could be carried by the Free-Soilers; now all New England and half the balance of the Free States were with him. No man in the country had done more to bring about this change.

He accepted his new election as his first, in a letter addressed to the Legislature, which was read and entered at large upon the Journals.

During the next four months Sumner was an invalid, at his home in Boston. He continued his exercise by walking and horseback riding. He visited friends in Boston and Cambridge. But most of his time was spent in the house lying upon a sofa. He did not go to Washington, at the opening of Congress. He was incapable of a protracted effort. Late in the winter he left for Washington so as to vote for some changes desired by his constituents in the tariff of 1846 and take the oath of office for his new term in the Senate and attend the inauguration of President Buchanan. He reached there on February twenty-fifth, in time to vote on the tariff bill, but he was not able to continue in his seat and the effort convinced him that he was totally unfit for service. He tarried, however, long enough to take the oath of office and attend the inauguration. Three days later, he sailed for Europe, on the steamer *Fulton*, bound from New York to Havre.

His physicians, Drs. Perry and Jackson, as well as many friends advised this step. He was reminded by the fact that he had been urged to go to Washington to vote on the tariff bill when he was not able, that he must go farther away, out of

sight and beyond the reach of the troubles and excitement of his office, and obtain absolute rest.

His voyage was without incident. He had the usual seasickness from which he always suffered, though he made several ocean voyages. After he arrived, he caught a severe cold; "they call it *la grippe* here," he wrote,—a term not then but since well known in the United States. For two months he suffered from it and at times it was so severe that it aggravated his other troubles and for days it confined him to his rooms. His steamer entered the dock at Havre on the morning of March twenty-first; and landing about eight A. M., after a short walk enjoying the foreign aspect of the town, he started for Rouen at eleven in the forenoon. He reached Rouen at two P. M., and spent the remainder of the day enjoying the Cathedral and the streets of this old town which seemed to have a peculiar attraction for him. In the evening he attended the theatre. "Weary enough now," he wrote that night, "and astonished that I am able to endure the fatigue. The sea-air or sea-sickness or absolute separation from politics at home or all combined have given me much of my old strength." The next day being Sunday he attended mass and vespers in the Cathedral, drove among venerable streets and by the market-place where Joan of Arc was executed and at evening attended a couple of hours at the opera.

The next day, a beautiful one for the season, after a pleasant trip by rail he reached Paris,—"astonished at the magnificence which he saw; beyond all his expectations." The nineteen years that had elapsed since his first visit, had wrought wonderful changes in this Capital of the Beautiful Arts. Old buildings had been demolished, wide and spacious boulevards had been opened, lofty structures had been erected and trees planted, on either side, opening beautiful vistas from one part of the city to another. The Seine winding its sinuous course among magnificent galleries and public buildings had been inclosed within banks of solid masonry and spanned with bridges of stone supported by graceful pillars and arches. The streets touched down, with gentle grades, to the spacious promenades on either bank. The river district, unlike that of most cities, the habitation of squalor and vice, was the most magnificent part of the metropolis. All over the city, available spaces at street intersections were made the sites for a triumphal arch or column, or fountain or other work of art. The venerable Cathedral, the churches and theatres, the Invalides, the tomb of Napoleon, never seemed to him more beautiful and more magnificent than now in the sunshine of the bright spring evening

after an absence of years. The sight of them seemed to awaken the ardor of other days and blot out years that had intervened.

Sumner's first effort that evening was to find his old French teacher. He inquired for him at his former quarters; but he was gone. "The places that knew him once, knew him no more." The concierge, who had been there twelve years, had never even heard of him. He then sought Crawford, the artist with whom he had passed many happy hours at Rome and for whom, after his return, he had done much in procuring the purchase, in Boston, of his statue, representing Orpheus descending into Hades to redeem Eurydice,—whom he had also aided to secure the order for the equestrian statue of Washington at Richmond, Virginia. He had learned he was in Paris. Though he inquired at two hotels, he could not find him. Continuing the search he did find him a few days later, confined to his apartments and nearing death. His Italian servant, learning Sumner's former intimacy with his master disclosed his grief and his affection. Crawford, though unable to see general visitors, when told that Sumner was there, insisted upon seeing him. Sumner held him by the hand and looking at his altered features, marked by the foot of the destroyer, thought of the beautiful genius whom he had met nineteen years before, struggling for recognition on three hundred dollars a year, now famous in his profession, his studio filled with unfinished orders, passing away in the prime of years and the incompleteness of his work.

Sumner visited while in Paris the places with which he was familiar on his former trip,—the pictures and statuary in the great galleries of the Louvre, the curiosities of the Musée de Cluny and at the Hotel des Invalides, the Pantheon, the Madeleine, the Cathedral, the Law School, where he had heard lectures, the Sorbonne, the operas and theatres. Some American friends were there, Elliot C. Cowdin, T. G. Appleton, Mr. and Mrs. Wm. B. Green, Mr. and Mrs. R. C. Matterson, Mr. and Mrs. Geo. B. Emerson. With them he dined and drove and attended the operas and galleries. It shows something of the quiet of the life he was leading when on March twenty-sixth, after dining with Cowdin, he wrote, "the first time I have met company at dinner for ten months." He drove to Versailles to see the fountains play and again to visit the galleries, at the royal palace. He also drove to Saint Cloud and Saint Germain and to visit the porcelain potteries at Sevres. He went to the great cemeteries Père la Chaise and Montmartre and to the royal burying-place at St. Denis. With Mr. and Mrs. Matterson he drove about the city and through

the new park, Bois de Boulogne, "new to me," he wrote, "and as beautiful as new." It was a royal forest, turned over to the city on condition that it be improved as a park.

His friend De Tocqueville was in Paris issuing another edition of his book, "Democracy in America." They at once renewed their former pleasant relations. They dined and visited together, discussed questions of government and prison discipline. The Emperor Napoleon Third was in power. De Tocqueville did not conceal his dislike for him. He was the son of Queen Hortense, daughter of Josephine. She had married, against her own wish, Louis Bonaparte, a younger brother of Napoleon, afterwards King of Holland. There was talk of the illicit relations between Hortense and the Dutch Admiral Verhuel and the Emperor was said to be the offspring. Alexander Walewski, the Minister of War, was the reputed son of Napoleon First. De Tocqueville called it the "government of the bastards." Queen Hortense, a beautiful woman, endowed with many of the charming traits of her mother, had thrown herself open to these charges by some indiscreet conduct although her subsequent life refuted them as slanders. After her husband had become alienated from his brother, Napoleon First, and been deprived of his crown, Hortense separated from him and retired to Switzerland, where she died twenty-eight years later. Her husband survived her nine years. Her son, Napoleon III, was only two years old at the time of their separation.

Sumner himself had not been favorably impressed with Walewski, the Minister of War; whose reception he attended. He noticed his resemblance to his reputed father, Napoleon I. When Sumner spoke to him of the French Secretary at Washington and commended him warmly, Walewski coldly answered him that the Secretary could not wait the slow course of his diplomatic career but was to pass into the consular service whence he could not repass, because he had married a wife without fortune. The Secretary had married a daughter of Thomas H. Benton, a United States Senator from Missouri and the author of "Thirty Years in Congress." She was a sister of the wife of John C. Fremont, whose romantic marriage and loyal devotion to her husband had been one of the inspirations of the recent Presidential campaign. Fremont and his wife had called to pay their respects to Sumner, at the home of John Jay in New York, the evening before he sailed for Europe. It is hardly to be wondered that Sumner should point with an exclamation his memorandum of the degradation of the French Secretary, on account of such a marriage.

Sumner was intimate at the time of this visit with Michael Chevalier, who was sent some years before to examine the railroads and waterways of the United States. He published the results of his investigations upon his return to France. He was a writer upon economic and political questions; and was cordial to Sumner from the first and showed him many attentions, entertained him and introduced him at the learned societies.

Another friend was Alexander Vattemare, a connoisseur, whose specialty was the international exchange of duplicate books and works of art. With him Sumner repeatedly dined and drove. De Tocqueville asked Sumner to drive to meet the granddaughter of Lafayette, Mademoiselle Corcelle. With Vattemare he visited Lafayette's grave in Picpus Cemetery, a small burying-ground in the suburbs of Paris, where no common dust was permitted to lie, all who were buried there being of the ancient nobility of France. Vattemare also took him to a *creche*, where the little children of laborers were kept during the day.

He met Guizot, the historian, at breakfast, by invitation of N. W. Senior, one of Sumner's English friends and correspondents, who was now in Paris. At this breakfast were also De Tocqueville and Lord Granville. Guizot afterwards expressed to M. Vattemare, a desire to receive Sumner and they called on him together. They found the historian in a small room whose walls were covered with books, except where there was a space for four pictures, Washington's and Hamilton's being two of them. Guizot remarked to Sumner that no other nation had been cradled by men of such high character as the United States. Sumner was impressed with the appearance of Guizot, whom he described as "prepossessing and his conversation eloquent." Guizot expressed to Sumner his sympathy for him and his own opposition to slavery.

Sumner's health seemed to improve, but he was still far from being well. The new scenes and faces, with the excitement of travel, withdrew his mind from the excitement and worries of his official position and the events in which he had been absorbed. But a little unusual exertion brought the old sense of weariness and want of strength and obliged him to seek his bed. Time and again the diary which he kept ends the day with some reference to it, "home, weary, very weary," the opera, "left before it was over to get home, to go to bed," or a dinner, "got home from as soon as he could, without going elsewhere." Added to this now was the cold he had contracted. For whole days in succession he kept his room, except when he felt obliged to go out to keep engagements previously made.

Some days he was not out at all. The week commencing April twenty-first, he spent almost entirely in the house.

On the twenty-eighth of April, he received from the American merchants residing in Paris, as the agents, on that side of the Atlantic, of their American houses, a letter asking him to accept a public dinner, as a testimonial of their admiration of his character and services. Two days later he declined the honor. The reference to himself in his answer is important as showing the condition of his health and his own explanation of his reasons for coming to Europe:

"I am admonished," he wrote, "by the state of my health, which is yet far from its natural vigor, that I must not listen to it, except to express my gratitude. In making this excuse let me fortify myself by the confession that I left home mainly to withdraw from the excitement of political life and particularly from all public speaking, in the assurance that by such withdrawal, accompanied by that relaxation which is found in change of pursuit, my convalescence would be completed. The good physician under whose advice I have acted would not admit that by crossing the sea I had been able at once to alter all the conditions under which his advice was given."

Both the letter and the answer were published in Galignani's *Messenger*, a Parisian newspaper printed in English. The publication called forth a letter to the newspaper from a Virginia planter, also present in Paris, in which the writer insisted that the purpose of Sumner's trip was not health, but to organize in Paris and London systematic agitation against American slavery and characterized the action of the American merchants in tendering the dinner as "this pseudo-patriotic partisanship, this unfraternal display of their sectional colors in a foreign land." The letter showed the feeling with which Sumner was regarded by the slave-holding interest and how his movements were watched. It showed too something of unkindness when exhibited towards a sick man and those who were, in his infirmity, offering him an attention that they thought his services deserved.

At the Institute, on May second, he heard François Mignet, the historian of the French Revolution of 1789, lecture on Lakanal, who for twenty-two years had been a resident of the United States, and for a time President of the University of Louisiana. Mignet made some sallies in his lecture against life in the United States. Upon returning to his room, Sumner wrote Mignet, in kindly tone, taking exception to these remarks, insisting that the conditions he referred to only obtained in certain localities, and that it was not fair to condemn the whole

country for the faults of only a part. The letter called forth a visit from Mignet to Sumner, two days later, in which Mignet expressed satisfaction at the stand Sumner took in his letter. A year later Mignet complimented Sumner with a ticket to his lecture on Schelling, the German philosopher. Their friendship continued. They talked together of history and literature.

Alphonse De Lamartine, the poet, historian and statesman, was another illustrious Frenchman, whose acquaintance and friendship Sumner enjoyed at this time. He was a brilliant writer and in the Revolution of 1848 had taken a prominent part and by his eloquence, on more than one occasion, had prevented anarchical outbreaks. He thus acquired much popularity. He was the Minister of Foreign Affairs of the Provisional Government and was nominated for the Presidency of the Republic he had done so much to create, but his popularity had waned; the Republic not proving so great a boon as had been expected and being blamed for having precipitated it, he received but few votes. "Nobody," he said to Sumner, "could anticipate the future of France. With a people so changeable, nothing was certain but change." He had realized this in his own career. Sumner and Lamartine met several times in company; they dined together and exchanged calls and he invited Sumner to visit him at his country home.

These I have mentioned do not comprehend all the people Sumner met, but they are the names that occur most frequently in his diary and letters; nor have I mentioned all his employments or all the places of interest he visited, during his stay in Paris. My purpose has been to show how he employed his time, the character of his friends and the nature of his recreations. From what has been said, it will be seen, that the tastes of his young manhood still prevailed. His love remained for pictures and statuary, for magnificent buildings, beautiful parks, royal palaces, places of historic interest, what was rare and curious in art or architecture or nature. His relish for travel continued. And he liked historic characters, men of worth and attainments. He especially enjoyed the society of the authors and scholars; but it is not recorded that he more than once, while in Paris, entered a legislative hall, and only once a court-room, and then with the expectation of hearing Mairie, a member of the Provisional Government of the Republic, try a case. But the suit was continued. All in all, it was a pleasant recreation, mingling rest and improvement, with the hope of health, by thus withdrawing the mind from its accustomed labor and excitements.

He drove with the Appletons to St. Cloud where they dined

in the open air, while listening to the music of a band, May 23. That evening he packed his trunk and the next day he left Paris for a tour of the provinces, hoping that a change might bring improvement. He wished to see France elsewhere than at Paris, where he had been for two months. He reached Orleans on his journey, about noon of a beautiful day after a ride through a charming country. Here he spent the afternoon, visited the chateau where Bolingbroke lived during his exile from England, walked through some of the old streets and saw the house of the great French jurist Pothier and his monument at the Cathedral. In the evening he went on by rail to Blois, where he rambled about, till wearied. Afterwards he attended a concert. The next morning he was awakened early by the sunlight streaming into his room and rising, he dressed and from his window looked out upon the smooth-gliding waters of the Loire and the sleepy canal. By seven he started in a carriage to visit the castles at Chambord, at Amboise and at Chenonceaux, three of the most famous castles in France. He returned to Amboise for dinner and then went by rail to Tours.

The next day he went to its museum, its library, its Cathedral and rambled about its old streets. In the neighborhood he also visited the Agricultural and Penitentiary Colony at Mettray. It was the reform school for boys, upon the family system, founded in 1840 by Frederic Augusta Demetz, whose acquaintance at Paris, Sumner had made in 1838. He was then a Judge of the Royal Court of Paris, but resigned that position to give his life to this work. The institution he founded and conducted has been a model for many in Europe and America. He continued at the head of it from its foundation in 1840 until his death in 1873 and when he died, he directed that his heart should be buried there, though his body was buried at Dourdan. Sumner watched the boys in confinement, running about in their wooden shoes and was impressed with the earnestness with which Demetz defended their use, saying that he wore them himself about the yard in winter, that they protected his feet against dampness better than rubber ones.

Early the next morning he left Tours for Nantes by rail, stopping at Angers to visit its museum and library and chateau, seeing en route the old castle of Giles de Rais, a powerful Baron, infamous for the number of his wives and his debaucheries, believing in sorcery and ruining young persons of both sexes that he might attach them to himself; afterwards himself burned to death for his crimes. On his life, hangs the story of Blue Beard.

From Nantes, Sumner returned to Tours and went thence by way of Poitiers and Angoulême to Bordeaux, stopping to visit these antiquated towns and the romantic castles on his road, travelling much by carriage and meeting the ordinary experiences of a traveller. At Dax he met a Frenchman at breakfast who insisted upon knowing his age and his business. At Pau he enjoyed the Pyrenees, capped with snow on June third. He travelled thence to Eaux Bonnes, a fashionable resort, on the outside of a diligence, the road constantly ascending a mountain pass, by the side of a rushing stream, his companion a priest. Arrived there he tasted the waters and took the baths, and the next day mounted on horseback, with a guide also on horseback, his trunk strapped on the back of another horse led by a man on foot, he was off by six in the morning over the mountains to Argelles where he arrived by five p. m., "weary, very weary," and gave up going farther to rest at the pleasant inn. But he passed a night sleepless from fatigue and was troubled to find how little he could bear now, compared with that insensibility to fatigue, which he had once enjoyed. He was obliged to give up travelling by horseback and from Argelles to Toulouse he went by carriage or coach.

From Toulouse he went to Carcassonne, the finest walled town in France. A day he spent in Montpellier, then a day in Dijon and another at Fontainebleau. Here he went through the royal palace, a favorite residence of Napoleon, in whose chapel was pronounced the decree of divorce from Josephine; in whose court, he kissed the French eagle and bade farewell to his Old Guard, on his banishment to Elba; and within whose walls he signed his abdication after the defeat at Waterloo, when his career ended and he left France forever for St. Helena. Here too was signed the revocation of the Edict of Nantes by which Henry IV had granted religious toleration to the French Protestants. Sumner drove through the forest containing thirty-five hundred acres belonging to the palace and the same day he rode on to Paris, thirty-two miles and was back in his old lodgings at Rue de la Paix, after an absence of eighteen days.

He remained five days in Paris and, on June 16, left for England. He reached London by ten p. m. and the next day, the first friend he met was Joseph Parkes, author of a history of the Court of Chancery, now taxing master of the Court of Exchequer. They dined together; and the next day he saw Monckton Milnes, M. P., afterwards Lord Houghton, and so for seven weeks he spent his time in London, renewing old friendships.

The nineteen years that had passed since his first visit had wrought many changes. He was then a young man of promise, filled with high hopes, abounding in health and an enthusiastic student. He was introduced by Judge Story and other friends to the best circles of English society and his merits had justified what they had said of him. But it was character only he had to offer. He brought nothing of achievement. Now he came a man of ripe judgment, bringing sheaves gathered in the rough struggle of the years. The promise of the first visit had become the realization of the next. He was now one of the historic men of his country. But time had left its marks upon him. He was broken in health, unable to work, he felt like an old man worn out and in search of health. Instead of delighting in exertion and incapable of fatigue, he faltered in his steps and in the midst of the most ordinary effort, was often obliged to seek his bed and rest. His condition was a source of regret to friends who remembered him as he was before.

On the other hand he saw the change these years had wrought in his friends. Monckton Milnes was "much altered since he knew him." He passed some time with Lord Brougham, "very kind but old." Lord Macaulay was "so altered he did not know him." His old friend Robert M. Rolfe, who was then Solicitor-General, had grown gracefully gray and was now Baron Cranworth and the Lord Chancellor of England. He dined with him again and there met the grand-daughter of Lord Byron. But Mrs. Norton, he wrote, was "as beautiful as ever."

It would be unprofitable to follow him in the round of social entertainments. His former friends were glad to see him and it seemed like an awakening of pleasant memories for them to pass the hours together. Older grown, with less of hope and more of care and of the stern realities of life upon them, it was a relief to recall the earlier days. He made some new friends, who were equally kind, among them William E. Gladstone and John Bright and the Duke of Westminster and Wilberforce, the Bishop of Oxford, by all of whom he was entertained.

The extent of his entertainment during the seven weeks in London may be seen from an enumeration of some of the places he went and the persons he met. He breakfasted with Senior, where he met Lords Glenelg and Hatherton, Earl Fortescue, M. de Lesseps and Merimee, the novelist and historian. He declined an invitation to stay at Stafford House, preferring the greater freedom of quarters of his own. The Duchess of Sutherland took him to the Crystal Palace. He breakfasted with the Duke of Argyle and met there Lord Aberdeen. He dined with Lord Granville and met Lord Clarendon. He at-

tended a great party at Lansdowne House and was again at Senior's with Lord and Lady Monteagle and Reeve, the editor of the Edinburgh Review and translator of De Tocqueville's "Democracy in America". He breakfasted at Lansdowne House, where he was seated next to Lord John Russell, the head of the British Foreign Office during our Civil War. He dined with Lord Hatherton, where were the Archbishop of Canterbury, Lord Lansdowne and the Duke and Duchess of Argyle. He breakfasted with Lord Hatherton with Tocqueville, Senior and Lord Aberdeen. He was the guest at dinner of the Benchers of the Inner Temple. He lunched at Argyle Lodge and after it the Duke and Duchess took him to Professor Owen, the naturalist, in Richmond Park. He took dinner with Mr. Ellice, M. P., where he met Mr. Dallas, the United States Minister, and his family. He lunched at Stafford House, where he met Dr. Whewell, Master of Trinity. He dined with Mr. Sterling, where were Lord Lansdowne, Mr. Ellice, Lady Molesworth and Mrs. Norton. He declined an invitation to dine with the Law Amendment Society of Greenwich, with Lord Brougham in the chair. He passed a Sunday at Cliveden, the villa of the Duchess of Sutherland, with the Bishop of Oxford, Gladstone, Labouchere, afterwards Lord Taunton, and wife and the Duke and Duchess of Argyle. Lady Labouchere took Sumner and Gladstone to her place, Stoke, where he visited the grave of Gray, the poet, and the manor house where Sir Edward Coke died. He walked with Gladstone two miles to the railroad and enjoyed his conversation. He dined with Lord Brougham and met Lord Chancellor Cranworth, Lord Chief Justice Campbell, Lord Clanricarde, Lord Shaftesbury, Lord Aberdeen, Lord Brougham, Lord Glenelg, Duke of Wellington, the Bishop of Oxford, Sir John Stevens and Mr. Parks. He breakfasted at Henry Reeves, with the Duc de Nemours, Duc d'Aumale, the Chancellor of the Exchequer, Lord Stanley, Lord Hatherton. He dined with Mr. Parkes, where he met Jared Sparks, the historian, and Charlotte Cushman, the actress. He was made an honorary member by the Reform and Travellers' Clubs. He dined at Lord Belper's with Lord Macaulay. At Dr. Lushington's seat he met Lady Trevelyan, "a most agreeable sister of Macaulay." He dined with Lord Wensleydale, where were the Lord Chancellor, Lord Lyndhurst and the Argyles. Lady Mary Fox took him to Holland House, where there was a beautiful open air festival. He attended a lunch at Grosvenor House, where the company assembled in the magnificent gallery. On a Sunday, he went to Richmond, to lunch with Lord John Russell, where in his

pleasant grounds he met other distinguished people. He visited the Archbishop of Canterbury at Addington and spent an afternoon with him.

And so the list runs on. These are not all but they are sufficient to show the attention Sumner received and the wonderful number of his friendships among the really great people of England. His English acquaintance was always a source of pride to him. The doors of such houses in every country open slowly to strangers and it is evidence of his worth that he was so generally and heartily received.

The attentions paid him were a tax upon his strength. They withdrew his thoughts from his condition and from things at home, and so far their effect was beneficial; but the continual round of excitement was too great. He found himself obliged to decline invitations he would have been glad to accept and always to observe moderation in his exertions. But he afterwards realized that he had gone too far.

Aside from these social engagements he spent the time in London quietly. He did not undertake general sight-seeing. He visited the Tower, Westminster Abbey, the British Museum and the picture galleries, but this was the extent of it. His interest was rather in men. He attended sessions in the House of Commons and the House of Lords and listened to speeches of the members. He was more in their society and less in the society of members of the bar, than in 1838. His career in the Senate accounted for this; his fame had preceded him among Members of Parliament and they sought his acquaintance.

He left London on August fifth, for the home of De Tocqueville, an interesting chateau three or four centuries old, near Cherbourg, where his friend made him comfortable, telling him it was not necessary to wear a white cravat at dinner, as the country life of France was less formal than in England, etc. The next morning he spent walking over De Tocqueville's private grounds. In the afternoon they drove together to the village and chateau of St. Pierre, situated in a beautiful park, the ancestral home of the Abbé St. Pierre, well known for his story of "Paul and Virginia." They were home to dinner, by seven o'clock, and passed the evening watching the ladies play billiards. The day following, the British consul at Cherbourg, came over with his two daughters, to pass the day and De Tocqueville drove the party to the village of Barfleur and to the surrounding heights, where they could have good views of the country. The excursion was pleasant, but was interrupted by a shower, which caught and wet the whole party. On the fourteenth De Tocqueville drove Sumner to Cherbourg where

they were taken to visit the breakwaters and the docks and the harbor, constructed at great cost by Napoleon I, with navy yards and dry-docks and impregnable fortifications. They dined with the British consul, who invited some friends to meet them. In the evening, after a pleasant stay of three days, he returned through Bayeux and Caen, to Paris, where he arrived on the sixteenth of August.

He found the family of Hamilton Fish had just arrived from New York, and visited them in the evening and dined with them the next day. But on August nineteenth, he left Paris again for a trip to Turin in Italy. Here he turned back, crossing the Alps again at Great St. Bernard, spending a night at the hospice with the monks and their dogs on the mountains, tarrying at Geneva and Lausanne and Heidelberg, and descending the Rhine, reached London September nineteenth. His purpose was to pay some visits he had promised to make in the North, before his return to America.

The evening of his arrival in London, he went to Walton, eighteen miles away, to visit Russell Sturges. The next day he returned to the city and went to spend a night with the Lord Chancellor, Cranworth, at his country place, Holwood, in Kent, once the home of William Pitt. Here he found his old friend of nineteen years before, Henry Hallam, the historian. He spent part of the next day with Hallam and found time was making sad inroads upon him. He was very weak, unable to walk. It was to be their last meeting.

Sumner went from London northward, stopping at Manchester to see an exposition then in progress, to which he was admitted to a private view on Sunday.

He left Manchester September twenty-ninth to visit Harriet Martineau, at Ambleside, in the Lake region. Her house was an ivy-clad cottage, called *The Knoll*, situated at the edge of the village and near the head of Windermere, the largest and most picturesque of the succession of beautiful lakes, in which the region abounds. The scenery was rugged and wooded, interlaced with deep ravines, leading down streams of sparkling water over beautiful falls and dancing eddies into the lake. Clusters of little islands rose out of the smooth surface of the lake, showing with their cottages, pretty glimpses of shade and lawn. The region was sprinkled with homes of people, who loving nature had added their work and frequently the charm of their names to her profusion to make the region still more attractive.

Miss Martineau he had known since 1835. They met when she was travelling in the United States, preparatory to writing

her "Society in America". She was then attracted to the subject of slavery and had become an abolitionist and continued her interest in the subject till it finally prevailed. She did not hesitate to lend the aid of her pen to the cause, even to the prejudice of her popularity as an author. Sumner, at the time he first made her acquaintance, had not shown an unusual interest in the subject, though she noted him as strongly disapproving the conduct of the pro-slavery mobs and resolved to set his face against such demonstrations. After the commencement of his career she followed him with sympathetic interest and when they met in London, he promised to visit her at *The Knoll*. He was now redeeming this promise.

He spent a day and evening there, discussing old friends and anti-slavery affairs in America. He went from there to Westhoe Hall, at South Shields to visit Robert Ingham, stopping by the way for a couple of hours at Brougham Hall, where he had visited in 1838, and where he was pressed to stay longer now but declined, promising to stop, however, on his return. Robert Ingham who for twenty-five years represented South Shields in Parliament, after being educated at Oxford and called to the bar, though not brilliant, either in his profession or in Parliament, was a man of great worth and kindness of heart. When he retired from Parliament, his friends by public subscription built an infirmary as a fitting testimonial to his character. Sumner wrote him that "such a monument was better than a statue." Though Sumner's senior in years, a warm friendship had grown up between them on his former trip and they had since corresponded. The similarity of their employments and their tastes drew them together, Sumner appreciating Ingham's worth and Ingham sympathizing entirely with Sumner's work for Abolition. Sumner arrived at Westhoe Hall Friday evening and remained until Monday. The only entry he made in his diary, the day after his arrival is: "Rambled about hoping to recognize old spots, which I had known nineteen years ago; company to dinner."

From Westhoe Hall, Sumner went for a day with Lord Chief Justice Campbell. When Sumner knew him in 1838 he was the Attorney-General; and later he was Lord Chancellor. He is well known for his Lives of the Chief Justices and the Lord Chancellors. Sumner spent the day talking and walking with him in his grounds and returned to Edinburgh in the evening.

He left Edinburgh, October eighth, to visit Edward Ellice who represented Coventry in Parliament for more than forty years and was at one time Secretary of War and, at another, Joint Secretary of the Treasury. Sumner had also met him on

his former trip. He was now at Glenquoich, a distant retreat in the midst of the Highland lakes and mountains. He went by way of Rothesay and the Crinan and Caledonian Canals to the mouth of Glengarry and then by gig and dog-cart to the retreat of his host. He remained for two days in this romantic region.

"I am here," he wrote, "farther north than Iona and Staffa, beyond Morven and near the Isle of Skye, where Flora MacDonald sheltered Charles Edward. There is no family living within forty or fifty miles of the friend whose guest I now am, and whose estate stretches for miles and miles. In front of the window at which I write are the hills of the immense possessions of Lochiel. I am away from American papers and without letters."

On October twelfth, early in the morning he set out for Dunrobin Castle, the seat of the Duke of Sutherland. He reached the Caledonian Canal by dogcart, at Fort Augustus. Thence the steamer carried him through the canal to Inverness, before dark. After dinner and a walk about the streets of the old capital of the Highlands, he threw himself on a bed, at the inn and rested till half-past eleven o'clock, when he took the mail coach for an all-night ride. At eight o'clock the next morning he reached Golspie, the nearest town to Dunrobin, where he found a carriage from the Castle awaiting his arrival. A farther ride of a mile brought him to his destination. He immediately went to bed to recover his lost sleep and did not appear till lunch at two o'clock. After lunch they walked in the grounds and at the Duchess's request he planted a tree, a Mount Atlas cedar. She was the sister of Lord Morpeth and was Sumner's correspondent till her death in 1868. Sumner had met her in 1838 and was greatly impressed with her beauty and her religious character. "She is," he wrote Judge Story, "wonderfully beautiful; I think even more so than Mrs. Norton." She it was who brought Sumner and Gladstone together and paved a way for the friendship between them.

Dunrobin Castle is an ancient seat, some parts of it having been built as a fortress as early as 1097 and the estate with it comprises many acres. While Sumner was there, Lords Blantyre, Grosvenor, Bagot and Stafford, with their wives, were also guests at the Castle. They had dinner at eight o'clock and afterwards, with the children, they engaged in a game of *post*, a kind of blind man's buff. The next day they breakfasted at ten and then rambled about the grounds. The Duke and some of the family were going to Inverness and they all went aboard the yacht to see them off; and afterward the Duchess with

four horses and an outrider drove them up the mountain to enjoy the splendid atmosphere and the beautiful scenery. The next morning there were prayers by the Duchess.

The custom of religious worship, one of the most beautiful of the country, Sumner mentioned as commonly observed in the great houses where he visited, daily prayers in the morning attended by all the members of the great establishment, from the highest to the lowest. They met in the great hall or chapel and with bowed heads, in a simple service, led by the head of the house or the lady, they acknowledged their dependence upon God and asked His guidance and His blessing. It was a sincere acknowledgment and a touching admission by those in high places, the heads of these houses, of their dependence upon another and a Higher Being, whose protection was over all. By example, it taught those under them, humility and obedience. It seemed nothing contributed more to the spirit of contentment and happiness and love of order so marked in the atmosphere of these great establishments, than this simple and heartfelt exercise of religion.

On leaving the Duchess drove Sumner four miles to his steamer; and he went on by way of Burghhead, Elgin, Keith and Old Meldrum to Haddo House, the seat of the Earl of Aberdeen. The Queen had only left her Highland home, Balmoral Castle, nearby, the day before. The family were alone and Sumner spent the next day, Saturday, with the Earl, viewing his grounds and in a visit to Balmoral Castle. Sunday they went to the kirk, two miles away, in the morning, and heard prayers and a Presbyterian sermon; and he spent the remainder of the day with the Earl quietly walking and talking.

He left Haddo House Monday morning and the same day reached Sir William Stirling's place at Keir, for dinner and "a pleasant evening." Wednesday morning, Sumner left Keir by the post for Callander and passing through the Trossachs, he crossed Loch Katrine in an open boat and, in this country of alternate rain and sunshine, he recorded that he encountered two severe rain squalls, in the short passage of ten miles.

The author remembers retracing with his wife the route followed by Sumner. They fell in with three bright and interesting Scottish girls as fellow travellers, on the little steamer, on Loch Lomond. They were each armed with a heavy plaid, a stout staff and strong shoes, and were bound on an excursion through Loch Lomond and Loch Katrine and to the top of Ben Venue, and then back to Loch Lomond, all the way on foot, except where the boats sailed. At Inversnaid, where the boat was left, waiting to ride by coach to Loch Katrine, a distance

of six miles, they by walking got the start, but were soon overtaken, in the midst of one of these violent squalls of rain, trudging along at the side of the stone road, under their heavy plaids, laughing at the rain. We saw them again at Stronachlacher pier on Loch Katrine, none the worse of their walk or their wetting, good-humoredly laughing at the "leaky weather" of their country, but full of hearty love for its always fresh and romantic scenery.

It is quite natural for the Scots to love their island home for few countries have more picturesque and enchanting scenes. The Lochs, Lomond and Katrine, are beautiful sheets of clear water, embedded among hills and mountains and studded with romantic islands covered with foliage which reaches down to the water's edge. These mountains are not towering like the Alps, for the highest, Ben Lomond, is little more than three thousand feet in height; but they are covered with a dense growth of small timber; kept green by constant showers and mists, and rise roll above roll in all sorts of fantastic shapes, producing a charming effect to the eye. There are romantic glens and waterfalls and prim little villages, which dot the sides of the lakes and frowning headlands and ivy grown walls, which call to recollection scenes of dim days that are past. It is a region of romance, sprinkled over with all sorts of interesting legends. Sumner easily loitered among such scenes.

After passing through Loch Katrine, he drove to Inversnaid on Loch Lomond and then went down the lake to Tarbert, then by post through Glencoe to Inverary Castle, the seat of the Duke of Argyll, the head of the Scottish family of Campbell, where he arrived on the evening of October twenty-first. The Duke and Duchess were expecting him. She was the daughter of the Duchess of Sutherland whom Sumner had just visited at Dunrobin Castle and a niece of his friend, formerly Lord Morpeth, now Earl of Carlisle, whom he was soon to visit. They were all Sumner's friends and correspondents and continued so until they were separated by death. They were ardently anti-slavery in sentiment and their letters to Sumner were frequent and full of encouragement. During the Civil War, the Duke of Argyll, whom he was now visiting, was a member of the British Government and the only one who could be said to be entirely in sympathy with the North.

Sumner remained at Inverary Castle two days. The first was spent in driving with the Duke and Duchess through the forests and plantations of Inverary; the second he planted, at their request two trees, an oak and a pine. Both grew, and years afterwards were mentioned in their correspondence, as

pleasant reminders of his visit. He went with the family, to the other side of Loch Fyne, on which the Castle is situated, to visit the children of the Duke and Duchess, who happened to be from home. The third day he bade them good-bye and went on to Glasgow.

From Glasgow he went to Penrith to visit Lord Brougham. His carriage was waiting for him, at the station and in it he reached Brougham Hall early in the afternoon. After lunch, he and Lord Brougham, walked together, and later Lady Brougham took him to drive through Lowther Park. Several guests were present for dinner and spent the evening. Sumner was interested in a death mask of Pitt, which Lord Brougham had among his art treasures. He presented Sumner with a colored print of Edmund Burke as a youth, a copy of a picture by Reynolds, which Sumner retained till his death and then bequeathed to the Boston Art Museum.

He left Brougham Hall the next morning to visit W. E. Foster, M. P., near Leeds. He and John Bright and Richard Cobden were the three members of the House of Commons who stood by the North, in the American Civil War. They had already been watching events in the United States with interest. Sumner reached Wharfside, the home of Foster in the afternoon. Edward Baines of the Leeds Mercury was invited to dine with him and several guests were present at breakfast the next morning. At eleven o'clock, he left Wharfside.

He went to Castle Howard, near Malton, the seat of the Earl of Carlisle, stopping on the way at York long enough to see its famous Minster.

Sumner spent three days at Castle Howard. Only the members of the Earl's family were there, his mother now disabled by paralysis and near her death, his sister Lady Caroline Lascelles, and her three daughters all at the time unmarried, and Lady Elizabeth Grey, another sister, and her husband Rev. Francis Grey. The days were all pretty much the same. Sumner and the Earl were warm friends; neither had married and so the cares of a family had never separated them. The long years since they met had been covered by a frequent correspondence and each had followed the career of the other, so that now they had many things to talk over. And it was in walking and talking and rambling about the Castle, viewing the pictures together that the time was spent. The Castle had a celebrated collection of paintings by Titian, Rubens, Reynolds and other masters, sculptures, bronzes, tapestries and old glass and a beautiful park. At the Earl's request Sumner, soon after

this, sent him a crayon portrait of himself by William W. Story which still hangs in the Castle.

Morpeth wrote of their intimacy: "In our past hours of friendly intercourse, in our frequent walks by the sparkling estuary of Boston, or upon the sunny brow of Bunker Hill, how little did I, how little did he, I feel well assured, dream of such an opening upon his quiet and unostentatious career!" And Sumner left a record of their friendship, when he wrote his brother, Charles Howard, after the Earl's death: "Let me confess that from the beginning I felt for him a peculiar friendship, and he seemed to feel the same for me. While I was an invalid his sympathy was complete and constant. I cannot forget his letters then. For more than a quarter of a century this friendship has been to me a treasure and a solace. It is now gone; and England with which he was so much associated in my mind, seems to me less England than before."

Sumner left Castle Howard on the morning of October thirty-first, Lord Carlisle rising early to see him off and his brother-in-law Mr. Grey accompanying him as far as Manchester. He crossed the country by Crewe to Stafford, where he took a fly and drove six miles to Lord Hatherton's seat, Teddesley Hall. The next day, Sunday, they drove to service in the parish church at Penkridge; and in the afternoon he and Lord Hatherton walked to see his farm, his Hereford cattle and his draining. After dinner, at the close of the evening, all the domestics, twenty-five or thirty in number, with the family, assembled in the dining-room and Lady Hatherton read prayers and a short sermon.

Monday came, a rainy, dismal second of November, when all parties were glad to keep themselves housed closely in from the weather. How the cold wet day, late in autumn, with falling leaves and seared meadows and other evidence of approaching winter seemed to chill every living thing about the great house and make all cling to shelter with hearty, though secret thanksgiving for such a protection from the storm! All forenoon they remained close indoors at Teddesley Hall; but in the afternoon, the clouds broke and Sumner, with Lady Hatherton and a company of others went to Stafford where, following his interest in prison discipline they visited the jail, kept under the direction of a governor, who was formerly a major in the army. The governor had besides the recommendation, more appreciated in England than America, of belonging to an old family. They also visited the house where Isaac Walton was born. Though dead two hundred years the abounding grace and simplicity of his "*Compleat Angler*," dear to lovers

of quiet life, seemed still to cast a spell around the quaint and quiet town. After strolling about the streets they returned to the Hall and in the evening, the governor of the jail with a Captain Mackinnon, an acquaintance of Sumner, came in for dinner.

The next day he left Stafford to spend an evening with John Bright at Landudno, near Conway, in Wales. He reached Landudno in the evening, just at dark, and in the rain. Bright had engaged rooms for him at the hotel, as his guest and they spent the evening till eleven o'clock talking of health and politics. The next morning was an enjoyable one spent with Bright. From the acquaintance, made by Sumner with Bright while on this European trip, sprung a lifetime friendship. They became correspondents and so continued till Sumner's death. The intimacy was of importance to Sumner's country. Bright was one of the great men of his generation and a powerful orator. Being a leader in Parliament, the constant interchange of letters between himself and Sumner, who was for many years the chairman of the Committee on Foreign Relations and one of the greatest orators of the Senate, aided mightily to keep the hearts of the two great English-speaking nations right towards each other.

From Bright, Sumner went to visit the other great Commoner, William E. Gladstone, at Hawarden, near Chester. He arrived on the afternoon of November fourth. The thick misty weather, so common in England during this season of the year and which he had been encountering for some days, still continued. But notwithstanding, Gladstone took him over his grounds and to show him the ruin of the old Castle. Gladstone was at the time engaged on some volumes on Homer and the conversation turning upon that subject they found themselves in a field congenial by early studies to both. Sumner had spent many years in the atmosphere of Harvard; while Gladstone had attained an unusual distinction at Oxford and for a number of years represented her in Parliament. Sumner found in him the same eloquent conversation which he had before admired. Similarity of tastes and of employment furnished them many topics of common interest and the hours passed easily between them. The next morning, the rain still continuing, Gladstone took him to drive through the Park.

Sumner found Chester one of the most interesting cities in England; many of its buildings very old and in the restorations made great care was taken to preserve their ancient appearance so that it presented the appearance of a well-kept city of the Middle Ages. He visited the Cathedral dating from 1200

and walked along the top of the city wall which afforded the best means of obtaining a general view of the city. It lies at the mouth of the river Dee, a small stream not sufficiently large for ocean-going vessels yet with small crafts furnishing an infinite amount of pleasure to its people. In numbers, in pleasant weather, they gathered along its banks, in the shade of "The Grove." Its old mill lazily ground away by the river side, as perhaps it had done for centuries. Here and there in its neighborhood where its wheels churned the water into foam there was seated some ancient angler intent upon his sport, just as perhaps there had been for a thousand years or more of the history of the quaint old town. It was altogether one of the attractive scenes of the home-life of "Merry England."

At Chester Sumner drove to Eaton Hall, the seat of the Marquis of Westminster, where he had been invited to visit. He arrived before lunch. The Marchioness met him, on his arrival, and showed him through the house, and hospitably took him to his room. It was again drizzling rain, but, notwithstanding, Sumner visited the gardens and the stables; for aside from the beauty of its architecture the palace was justly famed for its flowers and its horses. At dinner were several persons of distinction, besides the daughters of his host, gentle, well-educated young ladies, sensible and unspoiled by their position.

It was two o'clock in the afternoon when he reached the Adelphi Hotel in Liverpool where he found Richard Rathbone had been waiting for him several hours. Sumner's oration on the "True Grandeur of Nations" had fallen into his hands and he had it reprinted and circulated, by the Peace Society of Liverpool. Some correspondence and an acquaintance between them followed. He took Sumner to see the city and afterwards to his home for dinner, where Sumner remained for the night. At eleven the next morning, Mr. Rathbone drove him to his hotel and then to the pier, and at three p. m. of November seventh, Saturday, he sailed for home.

The voyage was not a rough one, the first days were even pleasant; but Sumner suffered, as ever, from sea-sickness, so that November seventeenth, ten days after starting, when they touched at Halifax, he wrote that he had not taken a single meal at the table and that much of his time had been passed in his stateroom. At Halifax he went ashore for a stroll, but he soon returned to the ship. They set sail again November eighteenth and, by four p. m. of November nineteenth, reached the wharf, "the day pleasant, the harbor of Boston beautiful," he wrote. And so to the wanderer, in search of health, after

eight months of absence, looking forward eagerly to the resumption of his duties, must have seemed a port even less beautiful than Boston.

Sumner was met on his arrival at the pier in Boston by his colleague Henry Wilson, with N. P. Banks, who had recently been elected Governor of Massachusetts. They drove him in their carriage to his mother's home, where a crowd had gathered in the street, to see him. In answer to their call, he spoke a few words of thanks, before entering the house. The next evening he attended a lecture by Banks to the Mechanics' Apprentice Association, where his appearance occasioned loud applause, which continued until he was obliged to speak a few words to the audience. Soon after, when he attended the inauguration of the Governor, he was welcomed by an even greater outburst. He was in his seat in Washington, when Congress opened in December, where his Free-Soil associates were glad to welcome him; but the pro-slavery members held aloof. His presence was everywhere a happy omen to the friends of Freedom. To all inquiries about his health, he answered encouragingly, but his physicians still forbade him taking an active part in the debates.

Congress this session was again occupied with the debate on Kansas. Her fraudulent Legislature, meeting at Lecompton, had drafted a constitution, containing a clause legalizing Slavery and it also had in it other provisions oppressive to the Free State men. The people were not given an opportunity to vote for the constitution or against the constitution. But if they voted at all, they must vote *for* the constitution. Their only privilege was to vote *for* the constitution *with* slavery, or *for* the constitution *without* slavery. But if they voted it without slavery, they voted it with all the other oppressive provisions remaining. The Free State people naturally refused to go near the trap that was thus laid for them and so, when the election came, they declined to vote and the constitution carried by a large majority, *with* slavery. President Buchanan immediately on the opening of the session, sent a message to Congress, urging the admission of the State with the Lecompton constitution.

Douglas was a candidate for re-election to the Senate, for his term was just expiring. Seeing that to support such a bill as proposed would be fatal to his prospect of re-election, he promptly opposed it with all the force of his forceful nature. He cared not, he declared, whether the Constitution be voted up or voted down, but he insisted the people of Kansas should be allowed to vote for or against it. It was defeated in the

Senate, where the Democrats were largely in the majority; but in the House the result promised to be close. Wm. H. English proposed an amendment, giving the people of the Territory a right to vote for or against the constitution, but coupling with it a large grant of land if adopted and postponing state-hood if rejected, thus holding up to the people of Kansas a bribe to induce them to vote for the constitution with slavery. The bill as amended passed both the House and the Senate and was approved by the President. But when the people of Kansas came to vote on the constitution they rejected it by an overwhelming majority and thus the Free-Soilers were victorious.

Perhaps never, in the history of this country, has the position of a public man attracted more attention than that of Douglas in this contest. To this time he had been a Democratic leader and a prominent candidate for the nomination for President. He had made great sacrifices to secure the support of the South; but the South so far had only cultivated him, as it had cultivated Webster, to destroy him. Believing that the opposition of Douglas to the bill had defeated the admission of Kansas as a slave state and the restoration of the equality of the South in the Senate, a hot wave of popular indignation, with all sorts of threats against Douglas, passed over the South. The North cheered him. Many Abolitionists belittled his act by interpreting it only as a bid for re-election to the Senate and as showing no actual change of heart; but realizing the good work he was doing, they smothered this feeling. In the storm it was feared that Douglas would turn back. Senator Broderick of California, equally as bold and hardly less forceful in speech, who a year later was to give up his life, in a duel with Judge Terry, a Southerner, over political differences, encouraged and supported Douglas. Douglas, however, was not the man, having placed his hand to the plough, to turn back; and he never did. The Republicans nominated Abraham Lincoln against him for the Senate and the memorable Lincoln and Douglas debate followed. Douglas was elected; and Lincoln became President. But when the South rebelled and the war came, the last blast from the famous old trumpet of Douglas, that had led in so many fights, was leading still, for the Union.

Sumner watched the struggle with a keen interest. None had made greater sacrifices for this cause than he had done. For had he not spent weary days of suffering, when death itself would have been to him a relief? And the end of it was not yet. He longed to take part in the debate. He felt that his

voice wanting would be noticed, in a cause for which he had suffered so much. He wished for the ability to speak once more with his old time vigor? He too mistrusted Douglas, thought his motive selfish but was willing to try him, knowing that he was essentially a partisan and if he once broke completely with the Democrats he would necessarily come into the camp of the Republicans. With his temperament, neutrality would be impossible. But Sumner cautioned his friends that Douglas had not reached their camp yet. He desired to hear Douglas speak upon the Kansas question, but he was forced to deny himself even that; his nervous organization was so sensitive that the excitement caused by a debate upon the question, in which he felt such an interest, so affected him that he could not endure it. Even the surroundings of the Senate were often too much for him. Sitting there a weight seemed to over-spread his brain and he would be compelled to stagger out, feeling like a man of ninety years.

He soon gave up all effort to sit in the Senate and arranged that he should be called to vote upon important questions, but otherwise to take no part in the proceedings. He passed his time as quietly as possible, in his own room, reading, or in the libraries and museums. He even spent part of his time as far away as Philadelphia, New York and Boston, going to Washington only when his vote was needed. His purpose was to have politics as much as possible out of his mind and promote his recovery by keeping himself quiet. He sought by other studies to accomplish this purpose. With this view he commenced the study of engravings, and devoted himself to it with much diligence. He was thus employed during the winter of 1857-8, while in Washington at the Smithsonian Institute, in New York at the Astor Library, and in Cambridge at the Harvard Library, in all of which places there were considerable collections of engravings. Thereafter he continued it, at such times as his health permitted, till his complete recovery. The subject, which thus solaced his hours of suffering, always after retained a charm for him.

At the end of his life he recorded his own experience: "Looking at an engraving," he wrote, "like looking at a book, may be the beginning of a new pleasure and a new study. Each person has his own story. Mine is simple. Suffering from continued prostration, disabling me from the ordinary activities of life, I turned to engravings for employment and pastime. With the invaluable assistance of that devoted connoisseur, the late Dr. Thies, I went through the Gray collection at Cambridge, enjoying it like a picture gallery. Other collections in our

country were examined also. Then, in Paris, while undergoing severe medical treatment, my daily medicine for weeks was the vast cabinet of engravings then called Imperial, now National, counted by the million, where was everything to please or instruct. Thinking of these kindly portfolios, I make this record of gratitude, as to benefactors. Perhaps some other invalid, seeking occupation without burden, may find in them the solace that I did."

He pursued the subject, with the same purpose and interest that an art student would the study of paintings. To effectually withdraw his mind from politics he threw much energy into it; so that he tired out others who undertook to follow him, but were less enthusiastic than himself. He sought to know what engravings had merit and what had none. He pointed out that with two colors, black and white, and the shading of one into the other, in the hands of a skilful artist all the merits of a painting could be produced so that the engraving presented to the eye the effect of colors. He insisted that it required no less skill and artistic talent to produce the one than the other. He studied the lives of the engravers and pointed out that the best engravers had been painters of equal merit. The engraver must have the same knowledge of contours, the same sense of beauty and power of expression, as the painter; and these qualities, with the ability to use them, make the artist, whether painter or engraver. Sumner in time acquired the skill to detect the qualities of an engraving with considerable accuracy; but, as with paintings his ability in this direction always had its limitations. He never acquired the ability, for example, as experts do, to determine, by an inspection, the place of an engraving in the order of impressions. His purpose, however, was recreation.

But he soon found that with all he could do to avoid excitement, he was too close to the scene of activities for a man in his condition. Late in April while in Washington, in his seat in the Senate, he suffered a relapse. The pressure upon the brain returned with increased force, attended by pains in the back along the spine and lameness in his legs so that he could not rise from his chair, when sitting, without intense effort and pain. This aggravated condition continued for a month without any substantial improvement. There was no apparent cause for it, but a slight over-exertion. His physicians were consulted and they advised him to go out of the country again and away from excitement. Some of his colleagues, Seward, Wilson and others who witnessed his condition and his total unfitness for work, joined in urging this

advice upon him. Sorrowfully he yielded and again turned his face towards Europe. His first purpose was to go to Switzerland and get exercise on foot in the open air, commencing with such moderate exertion as he could endure and increasing the amount daily as he hoped his strength would increase. He sailed on the ship *Vanderbilt* from New York, bound for Havre, on the twenty-second day of May, 1858, just two years after he received his injuries.

From the steamer, on the eve of his departure, he addressed a letter to his constituents, the people of Massachusetts, in which he explained to them the occasion and purpose of his journey. He had been he said repeatedly encouraged by his condition to believe himself almost well, but had been as often disappointed. And now he was compelled to admit that injuries so serious could not be readily cured. In the hope of complete restoration by travel, he was now only following the advice of his physician in going abroad again. He added:

"These valedictory words would be imperfect, if I did not seize this occasion to declare, what I have often said less publicly, that, had I foreseen originally the duration of my disability, I should at once have resigned my seat in the Senate, making way for a servant more fortunate in the precious advantages of health. I did not do so, because, like other invalids, I lived in the belief that I was soon to be well, and was reluctant to renounce the opportunity of again exposing the hideous barbarism of slavery, now more than ever transfused into the National Government, infecting its whole policy and degrading its whole character. Besides I was often assured and encouraged to feel, that to every sincere lover of civilization my vacant chair was a perpetual speech."

His letters bear ample evidence that he made this trip to Europe with great reluctance and compelled by what seemed absolute necessity, if he did not wish to pass the remainder of his life as a confirmed invalid. From the English Channel, before he left the ship he wrote: "I wish I were at home. It is with real reluctance that I proceed on this pilgrimage; and nothing but the conviction that it is the surest way to regain my health would keep me in it. I long for work, and especially to make myself felt again in our cause. The ghost of two years already dead haunts me." And again a little later: "It is with a pang unspeakable that I find myself thus arrested in the labors of life and in the duties of my position. This is harder to bear than the fire. I do not hear of friends engaged in active service, like Trumbull of Illinois, without a feeling of envy."

His position was rendered more trying by the insinuation of Southern members, that his injuries were not severe and that he was simply dallying away his time in European travel and loitering in picture galleries, while giving out the impression that he was a martyr to slavery, all for the studied purpose of creating prejudice against their institution.

Chase wrote him: "It is amazing to see to what depths of baseness some of the partisan presses in the interest of the Oligarchy will descend. Not content with half vindications of the assassination attempted upon you, several have had the infinite meanness to represent you as playing a part all the while you have been suffering from the effects of the assault. When will men learn decency?"

Sumner landed at Havre June 1, 1858, and went on to Paris the next day, spending the night en route at Rouen. His purpose was to place himself under the care of some eminent French physician. In the selection of one, he had the benefit of the advice of Dr. George Hayward of Boston and of Mr. Henry Woods, an American merchant residing in Paris, and at their suggestion he saw Dr. Brown-Séquard, an eminent specialist in nervous diseases. He made a careful examination of Sumner on June 10, and announced that his trouble was caused by the direct blows on the head and indirectly by the reaction of these blows on the spinal cord, so that both the brain and the spine were affected by inflammation and effusion of fluid producing pressure upon both. Sumner, satisfied with the diagnosis which had lasted three hours with alternate applications of ice and hot water to the injured parts, at once asked the Doctor what remedy he would prescribe; to which the answer was, fire. The Doctor's purpose was to produce a counter-irritant and thus remove the inflamed and unnatural condition. Sumner asked when the fire could be applied and the Doctor answered "To-morrow, if you please." Sumner asked, "Why not this afternoon?" And the same afternoon it was applied. The hope of regaining strength by exercise was at once abandoned, as arising from an entire misconception of his case. He required absolute quiet instead of exercise.

The application was made by the *moxa*. In other words an inflammable substance, cotton-wood, was placed along the spine and in that position it was set on fire at the top. The fire burning downward, as the wood was consumed, the heat gradually increased till the back over the spine was burned to a blister. The wound was then dressed and cared for till healed. The applications were repeated till they had been made seven

times, always without chloroform or other drug to deaden the pain. The Doctor proposed chloroform, but upon Sumner asking if the treatment would more likely be successful without and being advised that it would, he promptly decided to endure the treatment without it. His suffering was intense. He sat in a chair during the first application, holding the back of it with his hands and, in his agony, he wrenched the back so severely that it was broken. The Doctor wrote: "I have never seen a man bearing with such fortitude as Mr. Sumner has shown the extremely violent pain of this kind of burning." The treatment occupied six weeks, the Doctor visiting him each day to dress his wounds or to renew the application of the *moxa*. It was then discontinued to await the appearance of its effects.

The *moxa* is used only in rare cases, where a powerful counter-irritant is required. It causes such intense suffering to the patient that its utility as a mode of relief has been gravely questioned, because the effects of the remedy are often disastrous. It is said that Dr. Brown-Séquard, seeing the excruciating pain it caused Sumner, never applied it again, believing the agony too great for the human body to endure. It was during its application to Sumner, that he first experienced the paroxysms of the disease of the heart, *angina pectoris*, that fifteen years later caused his death. At first he did not realize the nature of this new trouble, but supposed it to be a neuralgic affection of the nerves of the chest, caused by sympathy with the nerves of the spine. It was thought to reduce them by hot baths and powerful internal remedies. But their recurrence continued until his death. Thus the *moxa* by creating a powerful counter-irritant removed the morbid condition of the brain and spine, but it probably caused the *angina pectoris*.

It has been gravely questioned by some of Sumner's friends whether the application of the *moxa* was not a mistake. They have felt that some other treatment might have secured a cure without the *angina pectoris*, which they believed was the result of the treatment given. They may be right. But Sumner to the day of his death, felt a grateful obligation to Dr. Brown-Séquard and was satisfied with the course followed. It must be remembered that his injuries were of a very serious character and that if a cure was to be had at all, which for a long time was doubtful, it could hardly be expected without leaving some traces behind it. As it was, from a condition of helplessness, which permitted no useful exertion, Sumner was restored to almost perfect health, save for intervals comparatively brief, when he suffered from the new trouble; and fifteen of the most

useful years of his life followed. This was something for which he and humanity have abundant reason to be grateful and, so far as we can now judge, we owe it to the radical measures taken by Dr. Brown-Séquard, to remove a radical trouble.

At the time of Sumner's death Dr. Brown-Séquard, then living in New York, was engaged in delivering a course of six lectures at the Lowell Institute, Boston. His fifth lecture was to have been delivered on March 11, but a hasty summons called him to Washington to attend Sumner, who was then dying. On this account, the delivery of this lecture was postponed until March 15, when the Doctor reviewed his treatment of Sumner's case. What he said is worthy of a careful reading:

"When, in 1857, I saw Mr. Charles Sumner, for the first time, he presented to me at once symptoms, which I could not but recognize as dependent upon an irritation of some fibres of the sympathetic nerve, and a paralysis of others. As you know, he received a terrible blow on the head. His spine as he was sitting had been bent in two places, the cranium fortunately resisting. This bending of the spine in two places had produced there the effects of a sprain. When I saw him in Paris he had recovered altogether from the first effects of the blow. He suffered from the two sprains of the spine and perhaps a slight irritation of the spinal cord itself. He had two troubles at that time. One was that he could not make use of his brain at all. He could not read a newspaper; could not write a letter. He was in a frightful state as regards the activity of his mind, as every effort there was most painful to him. It seemed to him at times as if his head would burst; there seemed to be some great force within pushing the pieces away from one another. Any emotion was painful to him. Even in conversation anything that called for depth of thought or feeling caused him suffering, so that we had to be very careful with him. He had another trouble resulting from the sprain which was at the level of the lowest dorsal vertebra. The irritation produced was intense and the result was very painful. When he tried to move forward he was compelled to push one foot slowly and gently forward but a few inches, and then drag the other foot to a level with the first, holding his back at the same time, to diminish the pain that he had there. It had been thought that he was paralyzed in the lower limbs, and that he had disease of the brain, and the disease of the brain was construed as being the cause of this paralysis of the lower limbs."

"Fortunately the discovery made of what we call the vaso-motor nervous system, led me at once to the conclusion that he

had no disease of the brain and had no paralysis. He had only an irritation of those vaso-motor nerves, resulting from the upper sprain in the spine. That irritation was the cause of the whole mischief as regards the function of the brain. The other sprain caused the pain which gave the appearance of paralysis. When I asked him if he was conscious of any weakness in his lower limbs, he said, Certainly not; I have never understood that my physicians considered me paralyzed. I only cannot walk on account of the pain."

"What was to be done was to apply counter-irritants to those two sprains. That was done. I told him that the best plan of treatment would consist in the application of *moxas*, and that they produced the most painful kind of irritation of the skin that we knew. I urged him then to allow me to give him chloroform to diminish the pain, if not take it away altogether. I well remember his impressive accent when he replied: 'If you can say positively that I shall derive as much benefit if I take chloroform as if I do not, then of course I will take it; but if there is to be any degree whatever of amelioration in case I do not take it, then I shall not take it.'"

"I did not find courage enough to deceive him. I told him the truth—that there would be more effect, as I thought, if he did not take chloroform. And so I had to submit him to the martyrdom of the greatest suffering that can be inflicted on mortal man. I burned him with the first *moxa*. I had the hope that after the first application he would submit to the use of chloroform; but for five times after that he was burned in the same way" (Sumner says seven times in all) "and refused to take chloroform. I had never seen a patient who submitted to such treatment in that way."

"I cannot conceive that it was from mere heroism that he did it. The real explanation was this: Heaps of abuse had been thrown upon him. He was considered as amusing himself in Paris; as pretending to be ill. In fact he wanted to get well and go home as quickly as possible. A few days were of great importance to him. And so he passed through that terrible suffering, the greatest that I have ever inflicted upon any being, man or animal."

Here the Doctor broke down completely and was obliged to ask the audience to excuse him for the remainder of the evening, though he had only spoken half the usual time. The thoughts of a dear friend now no more and of the terrible sufferings he had endured, under his advice, to insure a recovery, completely unnerved him and he was unable to proceed farther except to add: "Since 1857 the eminent man that

has left us has been under my care and has been also a very dear friend."

The latter part of August, 1857, Sumner went to Aix-les-Bains under the advice of Dr. Brown-Séquard to supplement the treatment by fire with that of water. The baths of Aix are famous for their medicinal properties. The water, having some medicinal ingredients, issues from the earth very warm. Each morning it was applied, by alternate hot and cold jets, to Sumner's back and chest, where affected. When he was thoroughly exhausted by this treatment, he was carried wrapped in a sheet and blanket to his hotel and put to bed. After a rest, he walked for exercise. He enjoyed the bath with the rest and absence from excitement which their location insured him. He was among entire strangers and, except once for a day, did not see an acquaintance during the three weeks he remained there. He devoted himself entirely to recovering his health. "The country," he wrote, "is beautiful and the people, simple and kind." The time passed pleasantly enough, but his lurking fear was that he might have to return to the dreaded treatment by the *moxa*.

He left Aix the middle of September and spent the next two months in travelling through Northern Italy, Austria and through Germany, down the Rhine to Cologne. He was back in Paris by the middle of November. His condition, while he was thus loitering about to await the results of his treatment, showed substantial improvement. He gradually became convinced that he was at last on the road to recovery. How long it would take, and whether farther treatment would be necessary, he could not tell, but he was satisfied that his physician understood his case and that his injuries were yielding to the treatment. His strength was returning. He could take long walks without the recurrence of the menacing symptoms he once experienced. Upon his return to Paris Dr. Brown-Séquard was gratified with the progress he had made and called a consultation upon his case with Dr. Hayward of Boston and Dr. Troussseau, an eminent French physician. They approved the treatment and all agreed in advising against his contemplated return to the United States to be present at the opening of Congress in December. They insisted that he should seek out some quiet place in the South of France, out of the way of travellers and avoid both work and excitement. Wilson his colleague united in urging him not to hurry his return, but to make his health his first care.

He therefore followed this advice and went to Montpellier in the south of France. But he did so reluctantly. In returning

from England before, to take his seat in the Senate, he had disregarded the advice of Dr. George Combe and Sir James Clark, the Queen's Physician, who both pronounced him unfit for his Senatorial duties; and the sequel showed that they were right and that he made a mistake in not heeding their warning. He was cautious now not to repeat his indiscretion.

He remained in Montpellier three months, constantly under the care of a physician, Dr. Crouzet to whom he had been commended by Dr. Brown-Séquard. The direction of the latter was still followed as to the treatment to be given him. He was to spend a great portion of the time each day on his bed or a sofa and be treated daily by cupping, along the spine, to continue the withdrawal of the inflammation from the injured parts. This treatment was painful, but not to be compared to the *moxa*. He avoided all excitement and undue exertion. During the whole time he was at Montpellier he saw only three or four persons he had previously known, three of them Americans passing through, whom he enjoyed only for an evening; and not much oftener did he see an American paper. Of Montpellier he always retained pleasant memories, recalling a life for him unusually peaceful and happy and the farthest removed from strife and contention.

He continued at Montpellier, his study of engravings. He attended lectures at the University and was invited to the sessions of a learned club, which met weekly, on Friday evenings. He made a few short excursions to places in the immediate neighborhood and enjoyed the acquaintance of some scholars of the city. In his intercourse with the people he met, he spoke French almost entirely. His only companion, to whom he spoke English, was a retired English officer, Captain J. R. Gordon, who was making his home in the city. Gordon had seen a varied career in the army, had served under Wellington and was a delightful companion. He was Sumner's most intimate friend and they dined together, usually as often as twice each week. The Captain was acquainted with the French officers, who commanded the garrison in the city, and their visits with them afforded a pleasant recreation. Sumner continued a correspondence with Captain Gordon till his death in 1863. But after all it was his books that furnished Sumner most of his recreation. To one friend he wrote: "Some fifteen hours out of the daily twenty-four I have passed on my back, and have always begun the day with a treatment which was tolerable only as an exchange for fire. But I have found society and solace in books, which I have devoured with my ancient ardor. No prisoner in the Bastile ever read more. God be

praised for this taste, or appetite and for the returning strength which has enabled me to indulge it!" To another he wrote: "How often I think with gratitude of my love of books, which furnishes me in my retreat such hosts of truest friends."

Just before Sumner's return to America, in a letter to Captain Gordon, he recorded his obligation to him and his faithful Doctor Crouzet, as well as his tender memories of Montpellier. "And now," he wrote, "I look with increased longing and tenderness towards Montpellier. My residence there in such retirement, compared with my life elsewhere, seems like a fable or a dream. Most truly do I wish that I could repeat it. I need not say how much you contributed to make it agreeable. I often think of my quiet walks, my visit to the library, the lectures, friends and then my weekly repast with you. I trust that my excellent doctor, who declined all fee, has a long list of patients who pay him well." Dr. Crouzet had become so much attached to Sumner, by their constant association during his treatment, that he refused all pay for his services.

Sumner left Montpellier late in March for Italy, making considerable stays at Rome, Naples and Florence. At Cannes in the south of France he met Baron Bunsen, the German diplomat and author, and Lord Brougham, who had a chateau there, where he spent much of his time and who had anticipated his arrival, by a note cordially asking him to pay them a visit. At Rome he was the guest of William W. Story. And while there he met J. Lothrop Motley, the historian, and Nathaniel Hawthorne, the novelist, both of Massachusetts. The latter was then residing in Italy, after having resigned his consulate at Liverpool, England, and was writing "*The Marble Faun*." Sumner visited the studios and talked with the artists. He was at St. Peter's, the Vatican and the galleries; he enjoyed the Easter festivities. Everything reminded him of the early days when he saw these places of interest with such fidelity, under the advantage of health, and of boundless hope for the future. Of course he could not forget his friends, one Crawford, now dead, who in that happiest summer of his life, had opened the beauties of the Eternal City to him. How he longed to have it all back! "But not," he added, "I think, on the condition that I should live the intervening years over again." On leaving he wrote Wm. Story: "Rome now, as when I first saw it, touches me more than any other place. Then I have been so happy with you. Perhaps it will be long before we meet again; but I cannot forget those latter delicious days. God bless you!"

From Rome, Sumner went to Civita Vecchia and thence by steamer to Leghorn and Genoa and then by rail to Turin.

Crossing from Turin over the Alps, he hired a private conveyance at a cost of two hundred and twenty francs and made the journey alone with his postilion. The country was full of soldiers concentrated by the French to assist an uprising of the Italians, against Austria, for national independence. As his train entered the station at Alexandria, the depot was crowded with them so that the train seemed to cut its way through the living mass and yet he remarked their good behavior, with no where a sign of disturbance. As his carriage ascended the Alps, he met the French army, the lancers riding ahead, all well mounted, in double file, as carefully dressed and as soldierly in bearing as if on the streets of Paris, with their lances borne upright and their pennons streaming, presenting a splendid appearance. As his driver approached, he was at a loss which side to turn, but the officer in command cried *au milieu, au milieu*, and the ranks opened and his carriage passed on up between the ranks, Sumner not neglecting to tip his hat to the officers as he passed, who in turn acknowledged the salutation by taking off their hats or giving the military salute. The lancers past, the artillery followed and then came the troops of the line, trudging along the road, with here and there some foot-sore, half-sick straggler straying from the ranks or sitting dejected by the road-side, perhaps thinking of the home he had left and the loved ones his eyes might never behold again. Upon the whole it was a deeply interesting sight to Sumner. The day was charming and he seemed to be travelling in a picture. Enthusiast as he was in the cause of universal peace, the thought of Italy, with her sunny skies, and art treasures, the genius of her children and her long and often brilliant history, now groaning under the yoke of the foreigner and struggling to be free, enlisted his sympathy and he confessed much of the ardor of the soldiers in the cause.

He was back in Paris by May twenty-fourth and remained a month. He easily compared his condition with what it had been, when he left. He no longer had to think when he sat down how hard it would be to get up, walking, he did not have to move slowly, dragging one foot after the other. He could get up and down and walk about easily and naturally. At times too great exertion reminded him he was not altogether well, but he was assured that he was on the road to recovery and that time and care now would bring a cure. Dr. Brown-Séquard was satisfied with the progress he had made and advised him to try sea-bathing. He went to Dieppe but finding no library in the place, he felt he could not endure it and remaining only for a day, he crossed over to London, where he

spent a month with his friends. He dined with Lord Cranworth and Sir Henry Holland, was at Lansdowne House, Stafford House, Holland House, Cambridge House, Argyll Lodge, etc. "Lord Palmerston was as gay and jaunty as ever, Lord Clarendon as fascinating, Lord Brougham as fitful, Lord Lyndhurst as eloquent and clever, Lord Lansdowne as kind and Lord Cranworth as good; saw much of Macaulay at breakfasts and dinners—at least half a dozen times, and twice in his own house; his conversation was as full and interesting as ever. Nothing seemed too great or too small for his memory." Heard Bright for the first time; was asked if he was not like an American speaker and admitted he would be glad to claim him. He was granted by the Speaker a seat under the gallery of the House for a month and he occasionally occupied it.

But the excitement of London was still too much for him and he went on July 23 to Bains Frescati, near Havre in France, where he remained six weeks, taking daily swimming baths and leading much the same quiet life as he had at Montpellier. He then made an excursion through Normandy and Brittany and spent three weeks more in Paris, purchasing engravings, manuscripts, bronzes and bric-a-brac, standing aghast, as he wrote, at his own extravagance. They were some of the same curios that he afterwards, in his Washington home, took such delight in showing his friends. He was back to London by October tenth, spending a day with the poet Tennyson at his home on the Isle of Wight, two days with Lord Stanhope at Chevening Park, where he slept in the room occupied for three years by Lord Chatham, another day at Argyll Lodge, where he met Gladstone again, and still another with the historian Motley at Walton on the Thames. Thus the time passed. He purchased of Joseph Parkes in London an album containing autographs of John Milton and Stafford, which he ever after prized as among his most precious possessions and for which he paid forty pounds. It is now in the library of Harvard College. These purchases, with the expenses of his sickness, consumed all the savings of his income so that now he came home, as he himself expressed it, with health as his only capital.

He reached Boston from Liverpool on November twenty-first and, after a few days spent there, he went on to Washington to be present at the opening of Congress in December. He stopped on the way at both New York and Philadelphia. To all whom he met and who inquired about his health he answered that he was well again. And so he was, able again to be at his post and discharge his full duty as Senator.

## CHAPTER XXV

LOSS OF FRIENDS—IN THE SENATE—SPEECH ON “BARBARISM OF SLAVERY”—EFFECT OF THE SPEECH—THE CAMPAIGN OF 1860—LECTURE ON LAFAYETTE

IN Boston as in New York Sumner missed some of his early friends. Death had been doing its work among them. Rufus Choate, brilliant and able, ever to be remembered as one of the greatest of lawyers and one of the most eloquent of men, had closed a hard life, unsparingly spent in the service of his profession. He had been one of Sumner's early and constant friends, their law offices being in the same building, Number Four, Court Street. Though they had differed widely in politics, Choate maintaining, with his rich rhetoric, the fortune and the fame of Webster, even beside the grave of his chief in one of the most beautiful eulogies ever pronounced, still he was too great not to be tolerant of Sumner's difference of opinion. And when he was gone, Sumner wrote: “I have a tender feeling for Choate. For years he was my neighbor in Court Street, and I have never had from him anything but kindness.” Wm. H. Prescott too was dead. Gentle, scholarly and sympathetic, caring too little for party to allow it to influence his judgment of issues against the right, as a historian would see it, he had ever been one to whom Sumner turned with confidence for sympathy. As Sumner had sought the darkened room that sheltered Prescott's eyes, and chatted pleasantly in the days when he was threatened with blindness, so, after the assault, Prescott had sought the bedside of Sumner to show, by tender sympathy, how his heart was moved. Theodore Parker too was gone. In the grasp of a deadly disease, the fearless preacher of the liberty of man as well as the religion of God, had gone to Europe, in the vain hope of recovery; but it afterwards proved that it was only to find his grave, on the banks of the Arno, near the sepulchres of Michel Angelo and Galileo, in the Protestant cemetery of Florence.

Dr. Howe was in Canada, whither he had gone to be beyond the reach of the process of the United States, in case he should be sought for complicity in the insurrection of John Brown at Harper's Ferry. Howe and Parker had known Brown and had entered into some of his anti-slavery projects, though

neither had been parties to that at Harper's Ferry. Sumner regretted Howe's absence and urged him to return and brave the threatened storm. This Howe afterwards did. He testified before a Committee of investigation of the Senate and his want of knowledge of the Harper's Ferry affair became apparent.

The first public part Sumner took in the proceedings of the Senate arose from this same question. On the day of the opening of the session, December fifth, 1859, Mason of Virginia moved the appointment of a committee to inquire into the facts of the seizure of the armory and arsenal of the United States at Harper's Ferry and the resolution concluded by providing that the committee should have power to send for persons and papers. The committee was appointed and Mason was made chairman. They summoned John Brown, Jr., of Kansas and F. B. Sanborn and James Redpath of Massachusetts. These all failed to appear. Thaddeus Hyatt of New York was also summoned. He appeared but refused to testify. Thereupon a resolution was offered in the Senate, by Mason on behalf of his committee, to commit Hyatt to the common jail of the District of Columbia till he should signify his willingness to answer. Sumner resisted the resolution to commit Hyatt. He insisted that, in such case, the Senate had no power to commit, that it could only do so, when sitting as a court, in cases of impeachment, in determining the election or qualification of its members and in punishing them for disorderly behavior, in all of which cases the Senate acted judicially, under express authority of the Constitution. Two other cases grew out of these, the power to punish for abuse of the privileges of the Senate, as in obtaining surreptitiously a copy of a treaty, or for misconduct on the part of its officers. Beyond these, he insisted the Senate had no such power. And especially did it not have the power of a grand jury and a court to investigate and punish crimes. But the resolution of commitment passed and Hyatt was sent to the common jail of the District, where he remained for more than three months and until the committee in making the final report of their investigations recommended his discharge. Sumner visited him frequently while in jail and did what he could to relieve the severity of his punishment.

The case of Mr. Sanborn illustrates still farther the length the slave power was willing to go. He was a teacher in Concord, Massachusetts, and having refused obedience to the summons of the Committee, it issued, to the Sergeant at Arms of the Senate, a warrant for his arrest. The writ was sent by

the Sergeant at Arms to the Marshal of the District for service. A deputy marshal under cover of night, seized Sanborn in execution of the process and was about to carry him away, when his sister, by procuring the bells of the village to be rung, aroused the neighbors and a writ of *habeas corpus* having been issued, the execution of the process was prevented and the next day he was brought before the Supreme Court and discharged, the Court holding that, if the Sergeant at Arms had power to make the arrest, he, at least, had no power to delegate this authority to a U. S. Marshal. Upon his release Mr. Sanborn memorialized the Senate upon the outrage that had been done him. Sumner presented the memorial, with some remarks reciting the facts and moving its reference to the Judiciary Committee. This motion carried. Mr. Bayard, of Delaware, for the Committee reported a bill authorizing the Sergeant at Arms to appoint deputies. This was intended to obviate the decision of Chief Justice Shaw. But the bill was lost and there the incident ended.

Slavery was the all-absorbing subject in Congress. Events were fast hurrying towards a crisis. The obsequious administration of Franklin Pierce had been followed by the still more obsequious rule of James Buchanan. The blustering threats of secession were crystallizing into a dogged determination to secede. The North was steeling itself to meet the issue of war if made. Each side stood watching the other, waiting to see what the next move was to be. Sumner re-entered the contest slowly; not because undecided upon the course to pursue, but to measure his newly recovered strength. He was given a place on the Committee on Foreign Relations, a place for which he was peculiarly fitted and which he was to continue to fill with rare ability for twelve years, ten of which he was to be its Chairman, and until removed as a punishment for his resistance of President Grant. He introduced a resolution proposing the abolition of the numerous custom-house oaths administered under acts of Congress and suggested a simple declaration as a substitute therefor, a reform that has since been made, much to the comfort of home-coming travellers from foreign lands. He also introduced a resolution to increase the safety of passengers in steamships for California, often dangerously overloaded and without proper accommodations. Both these resolutions the Senate gave unanimous consent to consider. But when he introduced a number of petitions on the subject of slavery and moved their reference to the Committee on the Judiciary, on motion of Mason of Virginia, they were promptly laid upon the table, all the Democrats

twenty-five in number voting in favor of it, while the Republicans, nineteen, voted against it.

A bill was again pending for the admission of Kansas. During the four years of Sumner's disability, changes had been taking place in the Territory. The constant influx of people from the Free States had placed the Free-Soil party largely in the majority. Instead of practising non-intervention and refusing to vote, as they had done under the disgraceful sway of Atchison and his border ruffians, the Republicans had boldly entered the field and captured the Legislature. Instead of being bribed by the terms of the English Bill into seeking admission as a State with a pro-slavery constitution, they came to Congress firmly insisting upon admission as a Free State. The last speech Sumner made in the Senate was entitled, *The Crime against Kansas*, delivered on May nineteenth-twentieth, 1856, on a bill for the admission of Kansas. Two days later for words uttered in that speech, he was struck down in the Senate Chamber. Now after four years of suffering, his first speech in the Senate on his return, was upon a bill, on the same subject, the admission of Kansas. On the fourth day of June, 1860, he again urged its admission as a Free State. Brooks, his assailant, it will be remembered, was dead and Butler for whose sake, the assault was alleged to have been made, had followed him. The circumstances of Sumner's return to the Senate were impressive. He opened his speech, entitled *The Barbarism of Slavery*, with these words:

"Mr. President.—Undertaking now, after a silence of more than four years, to address the Senate on this important subject, I should suppress the emotions natural to such an occasion, if I did not declare on the threshold my gratitude to that Supreme Being through whose benign care I am enabled, after much suffering and many changes, once again to resume my duties here, and to speak for the cause so near my heart. To the honored Commonwealth whose representative I am, and also to my immediate associates in this body, with whom I enjoy the fellowship which is found in thinking alike concerning the Republic, I owe thanks which I seize the moment to express, for indulgence extended to me throughout the protracted seclusion enjoined by medical skill; and I trust that it will not be thought unbecoming in me to put on record here, as an apology for leaving my seat so long vacant, without making way, by resignation, for a successor, that I acted under the illusion of an invalid, whose hopes for restoration to natural health continued against oft-recurring disappointment."

"When I last entered into this debate, it became my duty to

expose the Crime against Kansas and to insist upon the immediate admission of that Territory as a State of this Union, with a Constitution forbidding slavery. Time has passed, but the question remains. Resuming the discussion precisely where I left it, I am happy to avow that rule of moderation which, it is said, may venture to fix the boundaries of wisdom itself. I have no personal griefs to utter: only a vulgar egotism could intrude such into this Chamber. I have no personal wrongs to avenge; only a brutish nature could attempt to wield that vengeance which belongs to the Lord. The years that have intervened and the tombs that have opened since I spoke have their voices, too, which I cannot fail to hear. Besides what am I, what is any man among the living or the dead, compared with the question before us? It is this alone which I shall discuss, and I begin the argument with that easy victory which is found in charity."

Sumner's purpose in this speech, while incidentally advocating the admission of Kansas as a free State, was to lay bare the essential character of slavery itself. Southern members of Congress, with much unction, had for years descanted on its humanizing influence, calling it ennobling, dispensing with titles of nobility as in the old world and recognizing a natural superiority of one race of men over another, as one of "two civilizations" that of the North and the other of the South, improving the character of both the slave and the master. Jefferson Davis had called it "but a form of civil government for those who by their nature were not fit to govern themselves." While Hunter of Virginia had declared in the Senate that it was the very keystone of the arch that sustained our social fabric. Brown of Mississippi declared it was "a great moral, social and political blessing." Hammond of South Carolina insisted that its "frame of society is the best in the world." Sumner thought it too much the fashion to let such statements as these, made on the floor of the Senate, go unchallenged.

He had for some time had it in mind to openly and emphatically attack them in a speech in the Senate. He felt their absurdity and was convinced of their pernicious influence. Beyond this he felt that in the crisis that was approaching, public attention generally should be called to the inherent degrading tendency of the institution of slavery to both the master and the slave and to the country as well. He had already discussed Slavery, in arguing that it was sectional in character while Freedom was national, and again in urging the unconstitutionality of the Fugitive Slave Law, and still again

in insisting upon the sacred obligation of the Missouri Compromise and the crimes that had been attempted against Kansas. Though upon all these occasions he had spoken at length, he felt that he had said too little of the essential character of slavery itself, partly from a disinclination to press a matter about which Southern people were so sensitive. But he thought that the time for any such consideration was past and that this aspect of the subject should now be set forth clearly. During his whole term of service in the Senate he had seen how often the cause he had so much at heart, had been baffled and defeated by a pro-slavery President. The time for another Presidential election was at hand and with a divided and disorganized opposition he felt, for once, there was a prospect for the election of one who was against slavery. But whatever the result of that might be he was convinced that the effect of the delivery and circulation of such a speech could not be otherwise than good.

Others differed from Sumner upon this subject. The times were ominous. Many good men wished by farther concessions to slavery to avert the calamities that seemed to threaten the country. Such a speech could have no other effect upon Southern slave masters and their representatives in Congress than to inflame already angry passions and render compromise more difficult. Even some Republicans, hoping to carry the National election, feared its effect. They thought it might influence against them conservative voters who were interested in the new movement, by giving a too anti-slavery caste to its purpose. But Sumner differed from them again. He had concluded that too much had been yielded already and that the temper of the North demanded resistance to these extravagant pretensions of the South and a more manly and independent stand on the part of the representatives of the North in Congress. However, all agreed that if the unvarnished truth was to be told to the South in words, which in their plainness, had some of the appearance of severity, no one by suffering had gained a better right to tell it than Sumner. A brief summary of the speech will show the plainness of his language.

He argued that slavery which created property, in man was an impiety, because according to the law of nature, written by the same hand that placed the planets in their orbits every human being had title to himself direct from the Almighty. A man might be poor in this world's goods but he owned himself. Slave-masters might say they owned the sun and moon and stars but not that they owned man endowed with a soul destined to live immortal when sun, moon and stars have passed

away. Slavery was a complete abrogation of the marriage tie. No such sacrament was respected under it. All such ties were subject to the selfish interest or still more selfish lust of the master whose license knew no check. The chastity of a whole race was exposed to violence while the result was recorded in the tell-tale faces of children glowing with a master's blood, but doomed, for their mother's skin, to slavery through descending generations. By polygamy one man had many wives bound to him by the marriage tie and protected by law, but slavery delivered a whole race over to prostitution and concubinage, unprotected by any law. For the children, it was a complete abrogation of the parental relation. At the command of a master, little ones, though clasped by a mother's arms, were swept under the hammer of the auctioneer. Slavery closed the door of knowledge to them, for the law in many places positively forbid that a slave be taught to read even the book of life, where they might learn that a Savior died, that all men, without distinction of race, might be saved. While it fastened manacles upon the slave it thus also fastened manacles upon his soul. Slavery appropriated all the toil of its victims, losing every pretension of right. It was robbery and larceny both under the garb of law, sordidly taking away from the slave the fruits of the bitter sweat of his brow and at the same time the mainspring to exertion. From its home in Africa, such barbarism had been transplanted to American soil and thus were the prerogatives of barbarous, half-naked African chiefs perpetuated in American slave-masters.

The fruits of such a system were too clearly to be seen in the comparative view of the development of the Free and Slave States. Slavery so degraded free labor as to stamp the brand of degradation upon the daily toil decreed by the Almighty and which contributes so much to a true civilization. No slave-master, of course, worked, and his pernicious example pervaded all classes, and the land itself became a prey to that paralysis caused by a violation of the law of God. Slave territory exceeding by more than 200,000 square miles that of the Free States, in happiness of climate adapted to productions of special value, with more than fifty navigable rivers, never closed by the rigors of winter, with a long stretch of coast, indented by harbors, contrasting strangely with the North, with its climate often churlish, with few harbors and still fewer navigable rivers, both often swept by storms and closed by ice, yet the North had far outstripped the South in growth of population as well as in material and moral development.

But turning from this discussion of the effect of slavery upon

the slave, and what must be said of its influence upon their masters? The denial of all rights in the slaves, of course could be sustained only by a disregard of other rights common to the whole community, rights of the person, of the press and of speech. Barbarous standards were unblushingly avowed. The swagger of the bully was called chivalry; swiftness to quarrel, courage; the bludgeon was substituted for argument, and assassination became one of the fine arts. It produced the most pernicious effect upon manners and transformed citizens into despots. There was no surer way of judging a people than by its laws; yet the slave-code protected such atrocities as to show that the laws of humanity had been totally perverted, stealing the fruit of another's labor, polluting the body, outraging the family, making marriage impossible, decreeing ignorance.

Sumner quoted illustrations to show the brutalizing relation of the master to the slave: a description in an advertisement of a runaway slave, "has holes in his ears, a scar on the right side of the forehead, has been shot in the hind part of his legs, is marked on the back with the whip."

"For Sale:—An accomplished and handsome lady's maid. She is just sixteen years of age; was raised in a genteel family in Maryland; and is now proposed to be sold, not for any fault, but simply because the owner has no further use for her. A note directed to C. D. Gadsly's Hotel, will receive prompt attention."

A slave-master's cure for a runaway slave: "If a nigger ran away when he caught him, he would bind his knee over a log, and fasten him so he could not stir; then he'd take a pair of pincers, and pull out one of his toe nails by the roots, and tell him if he ever ran away again, he would pull out two of them, and if he ran away again after that, he told him he'd pull out four of them, and so on, doubling each time. He never had to do it more than twice; it always cured them."

Another instance was given, where a master enraged at his slave for an attempt to run away, had deliberately cut the tendon of his heel, illustrating the language of the Supreme Court of North Carolina, that "The power of the master must be absolute to render the submission of the slave perfect."

If the picture could receive a darker coloring than such illustrations gave it, Sumner declared it could only be, by painting the character of the slave-overseer, the slave-breeder and the slave-hunter in whom the essential brutality, vulgarity and crime of slavery were all embodied.

The effect of such influences, he said, upon the relations of slave-masters to each other and to society and government were

unmistakable. Nobody could be surrounded by vice and violence without coming under its influence. Instead of ennobling the master, slavery dragged him down. Violence, brutality and injustice must be reproduced in those who lived within their influence. Living with slaves, seeing their degradation and ignorance closed the eyes of the master and withdrew the spirit of emulation produced by the society of equals or association with superiors. The master saw nothing to excite his emulation or remind him of his deficiencies. Accustomed from youth to age to brutality and violence he naturally adopted the bludgeon, the pistol and the knife in his relation to society, and to his home; and the street fight and the brawl marked his appearance everywhere. "Men slaughter each other with almost perfect impunity," read the Governor's message to the Legislature of Kentucky, in 1837, and he urged them to redeem their State from a condition which would justify the name of "the Land of Blood." "Why do we hear of stabbings and shootings almost daily in some part or other of our State?" asked the Governor of Alabama.

Slavery, he argued, was against all freedom of speech or of the press, for no one in the slave States could speak or write plainly about it, except at his peril. A book agent offered for sale Dr. Channing's sermon on West India Emancipation and was prosecuted for it. A large number of copies of Spurgeon's sermons were publicly burned at Montgomery, Alabama; and the use of Wayland's Moral Science was forbidden in one of the colleges of that State because they contained "abolition doctrines." Speeches delivered in the United States Senate were stopped in the post-office and booksellers receiving them were mobbed, while once at least the speeches were seriously proceeded against by a Grand Jury. Abolitionists were watched and mobbed for their opinions. Rewards were offered in the public newspapers for the heads of Members of Congress; Five thousand dollars for that of William H. Seward, ten thousand dollars for the delivery of Joshua R. Giddings at Richmond; and the Governor of Georgia was recommended by a meeting of slave-masters to offer five thousand dollars for either of ten persons, citizens of New York, Massachusetts and one of Great Britain, none of whom had ever been in Georgia. Even in the Free States, anti-slavery meetings were broken up, newspapers mobbed and in one case the editor was killed. Samuel Hoar of Massachusetts appointed a Commissioner from his State to Charleston to prevent the detention and sale, as slaves, of free colored mariners from his own State, who might touch at that port, was excluded from his hotel by the pro-

prietor for fear of a mob, and forcibly driven from South Carolina.

The exhibitions of the barbarism of slavery in Congressional history, he said, were not less marked. During the debate on the compromise measures of 1850, Foote of Mississippi drew upon Benton of Missouri a five-chambered revolver and cocked it; Arnold of Tennessee was called by Dawson of Louisiana "a d—d coward," "a d—d blackguard," and he threatened if Arnold did not behave better he would "cut his throat from ear to ear." Challenges to duel were common on the floor of the Senate from slave-masters, and Jefferson Davis there vindicated the duel as a mode of settling personal differences. "Insult, bullying and threats characterize the slaveholders in Congress," said John Quincy Adams. And at a public dinner at Waterborough, South Carolina, this toast was drunk, "May we never want a Democrat to trip up the heels of a Federalist or a hangman to prepare a halter for John Quincy Adams." Joshua R. Giddings presented to the House resolutions affirming that slavery was a local institution and could not exist outside of the slave States. For this the House censured him; Giddings resigned and his constituents at once re-elected him. Dawson of Louisiana once drew a bowie knife to assassinate him. Again when one day speaking of a certain transaction in which negroes were concerned in Georgia, Black of that State, raised a bludgeon and standing in front of Giddings' desk declared that if he repeated that language again, he would knock him down. "It was a solemn moment for me, I had never been knocked down, and having some curiosity upon that subject, I repeated the language," said the six-foot Representative, when afterwards describing the scene. But Black did not attempt to knock him down. Dawson of Louisiana, however, put his hand in his pocket and with an oath threatened he would shoot Giddings, at the same time cocking the pistol so that all around could hear it click. But he did not shoot. Foote dared Hale in the Senate to come to Mississippi and he should be hung and that if necessary he would himself assist in the operation. Hammond, of South Carolina, in the House, warned the Abolitionists to stay away from South Carolina, unless they expected "a felon's death." Payne, of Alabama, declared that if they came to the South they would hang them like dogs. Martin, of Virginia, told Lovejoy of Illinois, that if he came among them they would do with him as they had with John Brown—hang him up as high as Haman, and in the same debate he was called by other Southern members a

"black-hearted scoundrel and nigger stealing thief," "crazy," "a perjured villain," and "a mean, despicable wretch."

Sumner scouted the idea that slavery was justified by the alleged inferiority of the black race. For if that be true, he argued, what would hinder the same principle being applied to other races? Why might not the Japanese also be declared inferior and all enslaved? Why might not some of the weaker and less highly civilized white races be declared inferior to others and enslaved?

The doctrine of Popular Sovereignty, or permitting the people of a territory to determine whether it should be formed into a Slave or Free State could find no support anywhere. There are rights which can neither be voted up nor voted down, for they are above all votes. Neither the people, nor Congress, nor any Territorial Legislature could give Slavery a legal existence in any Territory of the United States. He therefore, urged them to so declare by legislative act admitting Kansas as a Free State.

Sumner closed with these prophetic words, which were six months later to be realized in the election of Lincoln: "Thus, Sir, speaking for Freedom in Kansas, I have spoken for Freedom everywhere. You may reject it, but it will be only for to-day. The sacred animosity of Freedom and Slavery can end only with the triumph of Freedom. The same question will be carried soon before that high tribunal, supreme over Senate and Court, where the judges are counted by millions, and the judgment rendered will be the solemn charge of an awakened people, instructing a new President, in the name of Freedom, to see that Civilization receives no detriment."

When Sumner ceased speaking, Senator Chestnut, of South Carolina arose and counselled that no notice whatever should be taken of the speech, saying that Sumner "after ranging over Europe, crawling through the back doors, to whine at the feet of British aristocracy, craving pity and reaping a rich harvest of contempt, the slanderer of States and men, had now reappeared in the Senate," that they were "not inclined again to send forth the recipient of punishment, howling through the world, yelping fresh cries of slander and malice." Sumner merely replied that he would print the words of Chestnut, with the speech, as an additional illustration of the "Barbarism of Slavery." "I hope he will do it," rejoined Hammond, Chestnut's colleague from South Carolina, who had been sitting, during part of the speech, with Keitt, the accomplice of Preston S. Brooks, at his side.

The attitude of Senators towards the speech was various.

The feeling of Southerners was one of hostility. They gathered in groups about the doors, came in and out, or sat for a moment with the studied appearance of inattention. Some of them were purposely noisy; and once Sumner stopped, while the Chair rapped them to order. Breckinridge sat and pretended to read a book, but his eyes wandered from the page, and he finally put it away and sat gazing at the speaker, with a frown, till he closed. Jefferson Davis, too, pretended to read, but it was remarked, that the copy of "The Globe" which he held in his hand was upside down. Wigfall, with lowering and sinister countenance, passed whispering from one Senator to another, apparently hatching mischief, but was met only by shakes of the head, from the older members. Mason came in and sat down and commenced to write a letter, never noticing the speaker. But Lamar, of Mississippi, scholar and orator himself, had come in from the House and occupied one of the vacant chairs of the Senators and seemed to enjoy, with a relish, the intellectual treat, though upon a subject, on which he entertained radically different opinions. The Republicans were not all in sympathy. Some, like Crittenden, still hoped the approaching crisis might be averted by compromise; and they deprecated a speech that seemed to destroy every hope of such a cure. But Wilson, his colleague, with King, of New York, and Burlingame and Lovejoy of the House sat near him throughout, apparently anticipating violence and, if not altogether approving the propriety of the speech, at least recognizing his right to judge of that and feeling themselves assured that he was only telling the truth and telling it well.

The speech was read throughout in a moderate tone and Sumner, after its delivery, was able to walk to his lodgings, a mile from the Capitol, without any bad effects apparent. His health had borne the test he had so long hoped for; he was back in his place in the Senate, again able to do his work. For fear of violence, Wilson and Burlingame, with another friend, accompanied him home. There was some talk of violence, but the disposition of Southerners generally was to treat the speech with the contempt of silence, perhaps feeling the weight of Brooks' conduct upon themselves. The only apparent threat of violence came four days later, when Sumner was sitting alone in his rooms, in the evening, and a man called and finding him alone said he was one of the abused and slandered class, against whom the speech had been made, and that he was one of four who had come to Washington to demand reparation. He became so violent in his manner that Sumner finally ordered him out of the house and he went away threatening to

return again, with his companions. Sumner informed Wilson of what had happened and Wilson insisted that some precautions should be taken. Later in the evening another stranger came to the door and asked to see Sumner alone, but, being told that he was not alone, he went away. Still later three men came together and asked to see Sumner alone and, on being refused, said they had come to the city to see him and that they would call again in the morning, for a private interview, and, if they did not get it, they would cut his d—d throat, before the next night. The situation alarmed Sumner's friends and they arranged to be with him, John Sherman and Burlingame sleeping in his apartments, in a bedroom adjoining his own. Others accompanied him to and from the Capitol. Such was the condition of affairs in Washington in the months preceding the War!

The sequel showed that Sumner judged better than his colleagues the public pulse. There had been so much politics mixed with the discussion of the slavery question, adjustment and compromise, the balancing of rights, even a measurement of the length discussion should go in Congress, that the people had grown tired. In their sturdy integrity, they could not see the reason for all these limitations. Sumner had abandoned them and had struck at the heart of the question. At last the essential character of slavery, as one mind saw it, had been frankly laid open in Congress. And the people praised it. And in the Presidential campaign which followed, perhaps induced by the demand for such a discussion, Republican speakers generally pursued the same course in discussing slavery. Demands for Sumner as a campaign speaker were pressing. He consented to deliver an address to the Young Men's Republican Union at Cooper Institute in New York City on his way to Boston. A large audience greeted him and he spoke of the *Republican Party, its Origin, Necessity and Permanence*. But, guarding his health, he declined all invitations to speak during the campaign, outside of Massachusetts.

Sumner's speech on *The Barbarism of Slavery* was the last speech, on the general question of slavery, in Congress. It closed the discussion, which had occupied Congress, with ever increasing acrimony, since the formation of the Republic. The next day, after a brief consideration of some questions of the boundary of the proposed state, the bill for the admission of Kansas was laid aside in the Senate; there was a brush upon the same questions, in the House, a week later and then Congress adjourned. The election of Lincoln followed. When Congress met again the South was going off on its mad career

of Secession. The battle was transferred to other fields. No one was left in Congress to defend Slavery and before the return of its friends, Emancipation had been proclaimed and the Country was free.

The Presidential campaign of 1860, was acrimonious. The National Democratic Convention had divided, one faction nominating John C. Breckinridge of Kentucky, and another Stephen A. Douglas of Illinois. An organization styling itself the Constitutional-Union Party had nominated John Bell of Tennessee for President, with Edward Everett of Massachusetts for Vice-President. These parties were all pro-slavery. Douglas had no hope in the South, and Breckinridge had none in the North. The real opponent of Breckinridge in the South was the Bell-Everett party, for Bell was a slave-holder and Everett was for peace at any price, which meant, of course, that he would submit to Southern domination. Abraham Lincoln of Illinois and Hannibal Hamlin of Maine had been nominated by the Republicans. Thus the Democrats entered the contest hopelessly divided; the division within their own ranks destroying every reasonable hope of success; while the nomination of Everett, a Boston man, of high character and ability, and personally popular, who had for years deprecated the strife between the North and the South and had sincerely done much to allay it, added to the strength of his party in Massachusetts. He had a large influence with the conservative element in Boston which Hannibal Hamlin of the neighboring State of Maine on the ticket with Lincoln could not outweigh. The Republicans of Massachusetts had nominated John A. Andrew, of Boston, for Governor, and Anson G. Burlingame was again the candidate, in Sumner's District, for Congress.

Naturally Sumner felt a deep interest in the result. John A. Andrew, had occupied offices near him, when he was practising law, and the early friendship then commenced had continued, with increasing strength, as they became interested in the anti-slavery conflict. Burlingame had already been a Member of Congress and was Sumner's most constant friend in the House. He felt a personal interest in his return. Sumner's anxiety for the result was increased by the attitude of the Bell-Everett people, the rump of the Webster Whigs, with whom, since his first appearance in politics, he had been in constant antagonism. But above all local considerations, was the national triumph, which he hoped for the cause, for which he had labored so long and suffered so much. Until now success had seemed far away and though he never doubted the ultimate triumph of the eternal principles of right as he saw them, he

was compelled to confess oftentimes that the great day might be far away. But now the unexpected and hopeless division of the Democrats seemed to open a great opportunity. If the Republicans could only succeed in obtaining control of the National Government, he thought the onward march of Slavery could be checked.

Sumner entered into the campaign, in his own State, with a will. As early as July thirtieth, in an open letter he predicted the success of Lincoln. He continued to urge his friends to increased effort, with this end in view, till the day of the election. He spoke before the Massachusetts State Convention, which was held at Worcester, on the "Presidential Candidates and the Issues." With Henry L. Dawes, his successor in the Senate, and Henry Wilson his colleague he addressed an open-air mass meeting at Myricks Station; and again, with Senators Wilson and John P. Hale and the candidate for Governor, John A. Andrew, he addressed an open-air meeting at Framingham, on the "Threat of Disunion by the Slave States" and again, at Worcester, he spoke for the Republican candidate for Congress on the theme *No Popular Sovereignty in Territories can establish Slavery*. Eli Thayer had been elected to Congress from that District as a Free-Soiler, but he had been seduced by the Douglas theory of Popular Sovereignty, and gone off from his Party, on this question. When a candidate this year for renomination, before the Republican convention, he had been defeated by Goldsmith F. Bailey. Thayer then came out as an independent candidate. The contest was close. When it was announced that Sumner was to speak for Bailey, Thayer challenged him to a joint discussion, fearing the effect of his speech; Sumner declined, and spoke to a crowded house, many, unable to secure even standing room, being turned away. Bailey was elected and Sumner was given the credit of having turned the tide in his favor. Before the expiration of his term, however, Bailey died and Sumner was called upon, in his place in the Senate, to pronounce his eulogy.

On the evening before the election, Sumner presided and spoke at a meeting in Faneuil Hall, Boston, where he declared that the next day they would not only choose a new President, but a new government, and he especially emphasized the importance of voting for the Republican candidates from Boston. Burlingame and Rice, rather than the Bell-Everett candidates Appleton and Bigelow. He declared that the latter if elected, with all New England and the North against them, would be as solitary, at Washington, as Robinson Crusoe and Friday on their island. The Bell-Everett party, he said, from its lofty

airs in Boston, reminded him of Brahmins, who imagine themselves of better clay than others, or of Chinese, who imagine themselves cousins of the Sun and Moon.

But the influence of Sumner's speeches reached by the press, was much larger than that by his voice. The careful preparation that he gave them, usually writing them out before delivery, the animosity of the South towards him, the assault by Brooks and his recognized leadership, among anti-slavery men, all conspired to give them an especial interest. A very large edition of his speech on *The Barbarism of Slavery* was printed in Washington immediately after its delivery, another at Boston with a portrait and another at San Francisco, with the Republican platform. Besides being printed in the *Times*, *Herald*, *Tribune* and *World*, in full, there was a pamphlet edition of more than 50,000 copies, of his speech on the *Origin, Necessity and Permanence of the Republican Party*, printed and distributed by the Young Men's Republican Union of New York; while an edition of 10,000 copies of the same speech was printed and distributed by the Republican Central Committee of California. A Boston journal printed 10,000 copies of his speech at Worcester, for Mr. Bailey to distribute in his district.

These facts sustain the deliberate judgment of an eminent witness of the events, Mr. Blaine, who years afterwards, wrote: that Sumner "did more than any other man to promote the anti-slavery cause, and to uprear its standard in the Republican party. \* \* \* His written arguments were the anti-slavery Classics of the day, and they were read more eagerly than speeches which produced greater effect on the hearer. Colonel Benton said that William Pinkney of Maryland was always thinking of the few hundred who came to hear him in the Senate Chamber, apparently forgetting the million who might read him outside. Mr. Sumner never made that mistake. His arguments went to the million. They produced a wide spread and prodigious effect on public opinion and left an indelible impression on the history of the country."

The result of the election of 1860 was a great victory for the Republicans. Lincoln had in Massachusetts almost twice as many votes as all the other candidates together. In the electoral colleges, he had one hundred and eighty votes; while all the others had only one hundred and twenty-three. The result showed that even without the split in the Democratic party, its candidate could not have been elected. The House of Representatives was Republican; the Senate was still held by the Democrats, by a reduced majority. Andrew was elected Gov-

ernor and entered upon a career that established him as one of the most famous in the circle of War Governors. But in all Sumner's rejoicing, there was a distinct note of sadness. Burlingame was defeated, for Congress, by Appleton, by less than three hundred votes. It cut off the promise of a bright Congressional career and removed one of the supports, on which Sumner constantly leaned. President Lincoln, however, recognizing the injustice of the popular verdict, afterwards appointed him Minister to China and there, and in the service of the Chinese Empire, he continued, until his death, in 1870, at the age of forty-nine.

During this year Sumner lost his friend, John W. Brown, his college classmate and room mate. He died May 1, 1860. Brown was commemorated by Sumner by a contribution to a little volume, printed *in memoriam*. Sumner was warmly attached to him. Of all his classmates, he thought he gave, in college, the largest promise of future eminence. He was a bright, wayward fellow, of a bold and independent habit of thought. It was feared his waywardness might sometime wreck his prospects. Sumner may have caught from him something of the spirit of the iconoclast, which he showed, when he delivered his oration on *The True Grandeur of Nations*, advocating universal place, before the soldiery of Boston, and again when he maintained his long struggle against slavery. Little were Brown's friends, of his college days, prepared to expect of him the quiet, peaceful, unobtrusive life he afterwards led. After a short term, in the Legislature of Massachusetts, he put aside a nomination for State Senator and thereafter disappeared from public life entirely, caring little for political influence, and hardly known, except to a few intimates. So that Sumner could suggest of him, when gone, the questionable praise, "Bene vivit, qui bene latuit."

During this summer, Sumner prepared a lecture on the character of Lafayette. It was first delivered in Tremont Temple in Boston, on October 1, 1860, though it was afterward repeated at Concord, Lowell and Providence and, on his way to Washington, at Cooper Institute, in New York City, and, during the Congressional vacation, at Philadelphia. At Concord, he was the guest of Ralph Waldo Emerson and responded to a serenade from his front door. At the lecture, in New York, William Cullen Bryant presided. From Philadelphia, after the lecture had been announced, Sumner received a letter, from the president of the institute, under whose auspices it was to be delivered, asking him to omit any reference to slavery. Sumner replied that he could not be guilty of such infidelity, in de-

lineating the life of one, whose whole career had been devoted to the cause of human freedom, that it would be akin to the conduct of the pirates of the Caribbean sea, who repeated the Ten Commandments omitting, "Thou shalt not steal." And he added: "For many years I have addressed associations, societies and meetings of all kinds; but never before have I been met by any hint of interference with the completest latitude of speech, according to my sense of the duties and proprieties of the occasion. Long accustomed to free speech, I am too old now to renounce it. \* \* \* Of course my place in your list is now vacant." The limitation, however, was afterwards withdrawn and Sumner spoke, according to the appointment, to a crowded house.

The purpose of the lecture was to express the admiration he felt, for the character of a truly good and great man. He had been attracted to Lafayette's career, during his protracted stay in Paris, while under the care of Dr. Brown-Séquard. He had, it will be remembered, visited his grave within the circle of the old walls of the cemetery of Picpus, watched over by white-hooded nuns, of the neighboring convent. A little later he had visited his family seat, La Grange, a picturesque and venerable castle, with its towers and moat and drawbridge, its gate hung by ivy, planted by the English statesman, Charles James Fox, and "a large courtyard within, embosomed with trees, except on one side, where a beautiful lawn spread its verdure." Some of these items of personal interest he incorporated in his lecture. Again he revealed his sympathy with noble lives and his talent for commemorative oratory. The lecture contained passages of beauty, hardly excelled by any in all his works.

Slavery was to Lafayette "a most lamentable drawback, on the example of independence and freedom, presented to the world, by the United States." It was this lesson from his life that Sumner wished especially to impress,—his fidelity to freedom everywhere. In the United States there was a crisis approaching, upon this question. Slavery was making new demands and new threats; and Sumner thought it important to strengthen the hearts of the people of the North, by holding up before them, the example of Lafayette and calling their attention, to those scenes in the life of one, so justly and universally revered by Americans, showing his devotion to the cause of universal freedom and the equality of all men before the law.

## CHAPTER XXVI

COMPROMISE—SECESSION—SUMNER AGAINST CONCESSION—  
BALTIMORE MOBS—EMANCIPATION

SUMNER was in his seat at the opening of Congress, on the fourth of December, 1860. It then became certain that the South was determined to secede. The Message of President Buchanan to Congress recognized this and declared his inability to control the seceding States. Powell of Kentucky, in the Senate moved the appointment of a committee, to consider this part of the President's Message, to inquire into the distracted condition of the country, the grievances between the North and the South and to report, by bill or otherwise. This resolution, after some debate, was adopted, on December eighteenth. During the debate, Sumner read, in the Senate, an unpublished autograph letter of Andrew Jackson, written, just after his conflict with the Nullifiers in 1833, to Rev. A. J. Crawford; in which Jackson declared, that the tariff was only the pretext for Nullification, that Disunion and a Southern Confederacy was the real object and that the next pretext would be the Slavery question. At the time the letter was read, Crawford was living in the South and its use made his surroundings so unpleasant that he soon destroyed it. On the thirty-first of December, the Committee had to report that they were unable to agree upon any plan of adjustment. Yet leading men of both parties were on the Committee, Breckinridge, Hunter, Toombs, Douglas and Jefferson Davis, of the Democrats; Seward, Collamer, Crittenden and Wade of the Republicans.

On December eighteenth, Crittenden brought forward propositions of compromise, since known as the "Crittenden Propositions." They proposed to prohibit slavery North of  $36^{\circ} 30'$ , but declared, that in all territory south of this line, now held, or hereafter to be acquired, Slavery of the African race was to be recognized, as existing, and should not be interfered with by Congress but protected, by the territorial governments; and all territory, north or south of the line, was to be admitted, with or without slavery, as the constitution of the new States might provide. Congress was to have no power to abolish slavery, in places under its jurisdiction, nor within the limits of slaveholding States, nor within the District of Columbia, while

either Virginia or Maryland continued slave States. By constitutional amendment, the United States was to pay the owner for a fugitive slave, if obstructed in the recovery of him; and no future amendment of the Constitution should give Congress power, to abolish or interfere with slavery, in any of the States; the elective franchise, and the right to hold office, should not be exercised by persons, in whole or in part of the African race.

These were extreme measures. For the Republicans to agree to them, meant to give up all they had fought for, in the late election, and more. The propositions proposed to carry slavery, into the Territories, and to fix all South of  $36^{\circ} 30'$  as slave and all States everywhere, whether north or south, of that line, as slave, if the people, when seeking admission, adopted a pro-slavery constitution. Congress was to have no power to abolish slavery anywhere. The Constitution was to be amended, so as, to confirm forever, this condition, to strengthen the fugitive slave law, to remove from Congress the power to interfere with slavery, in any State, and finally, to take from free colored people, the right to vote and hold office, in the few places, where these rights were already enjoyed. Instead of restricting and curtailing slavery and giving good people reason to hope for its extinction, it was thus proposed, to strengthen and extend it, and fix it irrevocably on the Republic. Such concessions were not to be thought of by liberty loving people.

Clark, of New Hampshire, proposed to meet them, by counter propositions. He introduced in the Senate, on January ninth, 1861, two resolutions, one, that the provisions of the Constitution were ample for the preservation of the Union and the protection of the country, that it needed to be obeyed rather than amended; and, another, that to the maintenance of the existing Union and Constitution, should be directed all the energies of the Government and of all good people. On motion, these resolutions of Clark were substituted, by a vote of twenty-five to twenty-three, Sumner voting for them. This result was brought about by the refusal of Southern Senators to vote. The vote was afterwards reconsidered and lost, several Senators desiring to vote on the "Crittenden Propositions," as introduced. When the Crittenden propositions were voted on, they were lost also, Sumner voting against them.

At the close of the session, a joint resolution was passed by both the Senate and the House proposing an amendment to the Constitution, to forbid Congress, from interfering with slavery, in any State, where it already existed, Sumner vot-

ing against it. This would not have been inconsistent with the position of the Republicans; for even Lincoln declared that he had no purpose to interfere with slavery where it then existed. But the amendment was never made.

Events were hurrying forward. Southern Statesmen themselves hardly cared for a settlement of the differences. It is pretty certain, that any proposition that could have been offered, short of complete surrender by the North, would have been unsatisfactory to them. Andrew Jackson, himself a Southern man, but of incorruptible honesty and unquestioned patriotism, had only declared, what his clear head distinctly saw, at the time of the nullification trouble, when he said, their object was, neither the tariff, nor slavery, but a Southern Confederacy. They might by their action have defeated the adoption of the Clark Resolution, in the Senate. They might have adopted the Crittenden Propositions. But they refused to do either. They absented themselves purposely and, when present, refused to vote. Nor did they seem to care seriously what the North did. Their real leaders took little or no part. They were busy, however, inflaming the minds of the people of the South, and inciting them, to take the steps at home, that had already been resolved upon in Washington.

Sumner was unwilling to yield to them, in anything. In a letter to Governor Andrew, on January eighteenth, 1861, he wrote: "The question must be met on the Constitution *as it is* and the facts *as they are*, or we shall hereafter hold our Government, subject to this asserted right of secession. Should we yield now,—and any offer is concession,—every Presidential election will be conducted, with menace of secession, by the defeated party." He held to this ground, notwithstanding every effort of the peace party, to move him. Under the great pressure that was being exerted, Charles Francis Adams, one of Sumner's most unswerving supporters, in the earlier work, for Freedom, and, who was now in Congress, had yielded and was offering propositions of compromise. Seward also had weakened and, in a speech in the Senate, which he had read over to Sumner before its delivery, and which Sumner unsuccessfully attempted to dissuade him from delivering, he receded from the high ground the Republicans had taken. When such men yielded, it showed the condition of the public mind and the pressure that was being exerted.

But Sumner stood firm. He alone, of the whole Massachusetts delegation, in Congress, refused to sign a recommendation, to the Governor of the State, asking the appointment of Commissioners, to attend a Peace Conference, proposed by the Gen-

eral Assembly of Virginia. He declared, that any change in the attitude of firmness thus far maintained by the North, could have no other effect than the encouragement of treason. It was thought best, however, by the Governor, to appoint these Commissioners to prevent others in Washington from assuming to take their place and misrepresenting the loyal feeling of the State. All the Commissioners so appointed were firm against any concession to Slavery and so voted in the Conference.

At the request of Governor Andrew, Sumner went to President Buchanan to offer military aid, from the State to the Government, in its peril. When he had finished his conference, upon this subject, and was about to retire, he asked the President if there was anything else Massachusetts could do, for the good of the country. "Yes," said President Buchanan, "vote for the Crittenden Propositions." The President greatly desired their adoption, thinking this would bring peace to the country. But Sumner replied that, while Massachusetts had not yet spoken, he felt authorized to say, that such was the unalterable conviction of her people, that they would see their State sunk in the sea, and turned into a sandbank, before they would adopt propositions, giving slavery constitutional protection, in the Territories, and disfranchising a portion of her population.

A Boston Committee, headed by Edward Everett, lately a candidate for Vice-President, came on to Washington, to urge an adjustment, by mutual surrenders. Everett called upon Sumner and urged him to bring forward some conciliatory proposition, saying he was the only person who could do it, with a chance of success. But Sumner replied that, if he was strong in the North, it was only because the people there were convinced he would not compromise, but the moment he compromised, he too would be lost.

Thus far, Sumner had refrained from speaking, believing firmness, with silence, to be the best course. But on February twelfth, Crittenden presented, in the Senate, a petition signed by the people of Massachusetts, reciting that their sentiments towards the Union and country, were being misrepresented and misunderstood, that they were willing all parts of the country should have equal rights and that they recognized in the Crittenden Propositions a basis of settlement, on which, both the North and the South, might unite and thus restore peace, to the country. The petition purported to come from one hundred and eighty-two towns and villages and cities of Massachusetts and to be signed by 22,313 citizens. Crittenden, in presenting it, remarked upon the number from Nanticoke,

Senator Wilson lived, and Boston, the home of Sumner, where there were more than 14,000 petitioners out of 19,000 voters. He moved that the petition be laid on the table, which cut off debate. But Sumner moved that it be printed, and, on this motion, spoke.

He declared that the signers of the petition must have been ignorant of the character of the Crittenden Propositions, that these propositions went beyond the Breckinridge platform, which had been condemned by the people, in the election of Lincoln; and, if adopted, would set aside the Republican platform, on which that election was carried, and would foist, into the Constitution, provisions, which the framers of the instrument had never sanctioned, and to which they would never have consented, extending the protection of the Constitution itself, over slavery, south of latitude  $36^{\circ} 30'$ , and carrying it to every future acquisition of territory there, while making freedom more impossible, at the North, with every incoming State possessing the right to come in as a slave State, giving new guarantees to slavery, in the National Capitol, facilitating the transportation of slaves from State to State, strengthening the Fugitive Slave Law and then, as if attempting to do something especially obnoxious to Massachusetts, proposing to despoil her colored citizens of political franchises they had enjoyed before the National Constitution was adopted, and had continued to enjoy ever since. While he had infinite respect for the right of petition, and hoped always to promote the interests and represent the wishes of his constituents, he unhesitatingly declared, that these petitioners had missed the opportunity of asking two things, altogether sufficient for this crisis, first, that the Constitution be preserved intact; second, that the verdict of the people, in the election of Lincoln, be enforced, without price or condition. He insisted there was but one thing for the North to do, and that was to stand firm. In answer to Crittenden's inquiry, why, if his propositions were not right, he did not move to amend them, Sumner answered that he had missed no opportunity, direct or indirect, from beginning to end, of voting against every word and every line of them, and that he had voted for Clark's substitute, which would have displaced them entirely, and that this substitute expressed his conviction exactly.

Called out by this speech, it was freely declared, by well-informed persons in Boston, some of them signers, that the petition had been signed ignorantly by a great many. But the Common Council of Boston made haste to pass a formal resolution, censuring Sumner, and declaring that his assertion in the

Senate, about the petitioners was “undignified, unbecoming a Senator, and a citizen of Boston, and untrue.” The Common Council was then controlled by the Compromisers. It afterwards appeared that the petition had been placed, at a public place, in the Boston post-office, in charge of a crier, who asked every one who passed to sign, that boys and foreigners, and such, as well as citizens, did sign thoughtlessly; and that afterwards the city police canvassed the out of the way places, with it, getting everybody to sign it who would.

An effort was also made, in the Legislature of Massachusetts, as in some of the other States, to procure a repeal of the Personal Liberty Laws. These were laws, passed for the protection of free citizens, against abuses, growing up under the Fugitive Slave Law. One of the complaints of the South was that it was hindered in the recovery of its slaves, by these laws. An appeal to the Legislature, to make this concession to the South, was signed by a large number of prominent citizens of Boston, headed by Judge Shaw, until lately Chief Justice of the State. Sumner firmly resisted any such concession and was in almost daily correspondence with Governor Andrew to prevent it. His letters, beseeching them not to make any such unseemly surrender to the South, were handed around among the members of the Legislature, and aided materially in preventing it.

He wrote to Governor Andrew, January twenty-third: “Nothing, that Massachusetts can do now, can arrest one single State. There can be no other result, except our own humiliation, and a bad example, which will be felt by all other States. If Massachusetts yields one hair’s breadth, other States may yield an inch or foot, a furlong, or a mile. Pray keep the Legislature firm. Don’t let them undo anything ever done for Freedom.”

Sumner did not mistake the gravity of the situation. Probably no man, in public life, had a clearer view of what was in store for us, than he. For years he had been in the midst of the conflict. He knew the temper of the South and its leaders; and he could appreciate what they were about to do, and what the outcome of it would be. He made no effort to conceal his convictions, or to mislead his friends. “We are on the eve of great events,” he wrote William Claflin, Chairman of the Republican State Committee and President of the Senate of Massachusetts, “and this month will try men’s souls. But our duty is as clear as noonday.” The same month, January, 1861, he wrote Count Gurowski: “The slave States are mad. They will all move. Nothing now, but abject humiliation, on the part of the North can stay them. Nobody can foresee precisely

all that is in the future, but I do not doubt that any conflict will precipitate the doom of Slavery. It will probably go down in blood." "My opinion," he wrote Governor Andrew, January twenty-sixth, "has been fixed for a long time. All the slave States will go, except Delaware, and perhaps Maryland and Missouri,—to remain with us Free States."

These opinions were constantly realized by events. Within two weeks after the opening of Congress and the appointment of the committee of thirteen and within two days after Crittenden offered in the Senate his propositions of Compromise, South Carolina, without waiting to see the result of either, on December twentieth, 1860, adopted an ordinance of secession and proceeded to raise the Palmetto Flag over the custom house and post-office at Charleston. Other States followed, in quick succession, Mississippi, January ninth, 1861; Florida, January tenth; Alabama, January eleventh; Georgia, January nineteenth; Louisiana, January twenty-sixth. Texas followed, February first. Arkansas, North Carolina, Virginia and Tennessee were merely waiting and soon to follow. The seceding States were demanding the removal of the National troops from their territory and the surrender to them of the fortifications and custom houses and post-offices, within their borders. The Senators of the seceding States withdrew from the Senate, on January twenty-first. The President's Cabinet too was melting away, before Secession. Cobb, of Georgia, left the Treasury bankrupt, December tenth; Floyd, after transferring the military resources of the country to the forts of the South, and then withdrawing the National troops from them, left the War Department, December twenty-ninth; Thompson, as disloyal as either of the others, left the Interior Department January eighth. No especial regret was felt by loyal people, when they left. It would have been better for the country if they had gone earlier. They were succeeded by three loyal men. Edwin M. Stanton, than whom America never produced a greater man, soon to become the War Secretary, John A. Dix and Joseph Holt, took their places; and thenceforward Buchanan, in the hands of better men, became a better President.

But it was not the South alone that had gone off after the idol of Slavery. Southern men had many political friends, in the North, who had been associated with them, in conventions, and in public office, had voted with and sustained them, and were openly, with speech and pen, supporting them now; such men, as Caleb Cushing, of Massachusetts, Horatio Seymour, of New York, and Clement L. Valandigham, of Ohio. They were working vigorously and openly, pointing to the destruc-

tion that threatened, and loudly calling on the North to yield. Living in the North and a part of it, themselves men of ability, they were more to be feared than their friends in the South. Their influence was felt. Even the timid and weak-kneed of the Republicans, whose votes had aided in the election of Lincoln, were hesitating. The times were trying men of stronger fibre.

I count it one of the great debts we owe Sumner that he, more than any other man, perhaps, of the whole country, with grim resolution, stood firm at this time and kept the Republicans true to the work they had undertaken. He continued absolutely loyal to his convictions, without any sign of weakness; one to whom all others could turn, with assurance, for encouragement and advice. He saw the situation clearly himself and he never wanted confidence in his own convictions. He felt that now was the hour of supreme peril, that to yield meant to give up all that had been gained and sink lower, than ever, in submission to the South. He felt, too, that the life of our institutions was staked on the issue, that the South, having been beaten at the polls, should accept the verdict of the people and abide the result, that any different course, on her part, was revolutionary and must, if persisted in, destroy our experiment in popular government. For the North to yield, was to encourage revolutionary tendencies. He had absolute confidence in the righteousness of his cause and that, if war came, victory must ultimately come out of it, to the right, with the complete destruction of slavery; and that with all cause for strife between the sections removed, the country would rise to a new height of prosperity and power, among the nations. All he then saw, with prophetic instinct, events have since justified, and to him, and those who stood with him, a debt of gratitude is due.

The withdrawal of the Southern Senators left the Republicans with a majority in the Senate, and gave them the control in the organization of the committees. After the inauguration of Lincoln, they proceeded, on the eighth of March, 1861, to this work. Sumner was made Chairman of the Committee on Foreign Relations, one of the most important committees of the Senate, and for whose work he had an especial fitness, by reason of his early studies in international law and his extensive travel and acquaintance in Europe. This fitness was recognized by the press both at home and abroad, at the time, as a matter for congratulation. Mason, of Virginia, had held this chairmanship, since December, 1851. Sumner had been a member of the Committee for two years, and was destined to preside over it

until his removal, in 1871. There never was a period when graver questions came before the Committee, than during the years from 1861 to 1871, when Sumner was its Chairman. They were the years of the war and those immediately following it, when our relations with foreign nations were frequently strained, as with England, over the claims growing out of the depredations of the rebel cruiser *Alabama*, built and manned in Great Britain. Except for careful diplomacy war might have resulted. The first report the Committee made under his chairmanship, was in favor of the settlement of a disputed question by arbitration, a means of settling national differences he had advocated in his oration on *The True Grandeur of Nations*. The dispute was between this country and England over the boundary line between Vancouver's Island and the American Continent.

The Senate continued in session, to act on the appointments of President Lincoln, till late in March. Sumner, according to his custom, remained in Washington a few days, after the close of the session. While he was still there, Fort Sumter was fired upon, and President Lincoln issued his call for seventy-five thousand men. On the afternoon of April eighteenth, Sumner left Washington for home, stopping that night at Baltimore. Here he narrowly escaped being mobbed. He put up at Barnum's Hotel, registering when he entered, in the open book. He took tea, however, and spent the evening at the home of some friends. As he was passing along the street, on his way to his friends, he was recognized, and the report being spread that he was in the city, a mob gathered and proceeded to the hotel and demanded to see him. But they were assured that he was not in the hotel, and that they did not know where he had gone. Leaving his friends, about nine o'clock, and walking leisurely back, when near the hotel, Sumner noticed an excited crowd in the street, but, being entirely ignorant of the cause, he turned into a side entrance of the hotel, thinking thus to avoid the press. Going to the clerk's counter to get his key, he was at once hurried into the private office of the proprietor and was there told, by Mr. Barnum, of his danger and asked, for the safety of himself as well as of the hotel, that he would leave the house. Sumner insisted that he must claim the rights of a guest, that no other hotel would be safer and that he could not think of bringing danger to the home of a friend. It was finally arranged that he might remain in the hotel, occupying one of the rooms, at the end of a long hall, in the third story, where all the rooms were of one size and where no one, but the proprietor and his confidant would know where he

was. Here Sumner remained, for the night; and as he sat by the window he could see, all unknown to them, the surging of the angry crowd, who were looking and waiting for him. In the grey dawn of the following morning, he left the hotel and proceeded on his way to Philadelphia. The lady in whose family he had passed the previous evening, was notified, for her own safety, to leave the city, which she did, until the excitement subsided.

On the road to Philadelphia, Sumner passed the Sixth Massachusetts regiment, on its way to Washington, in answer to the President's call for troops. They were being carried in horse cars. And in their laughter and singing and prevailing good humor, they revealed the easy, joyous side of soldier life. In a few hours, they were in Baltimore and then they encountered the other side. As they were being transported from the Philadelphia, to the Washington station, after part of them had reached the latter, the remainder en route were set upon, by a mob, the rails of the track were torn up and they were obliged to march through the city. They were pelted with stones and brick and other missiles and then came pistol shots; when the soldiers turned and fired. And thus they fought their way for two miles, to the Washington station. Four of the soldiers were killed and thirty-six wounded. Some of the mob also fell. Thus was shed the first blood of the Civil War. That night the bridges on the Philadelphia Railroad were burned, travel was cut off, over that thoroughfare, and the President was notified by the Mayor of Baltimore that no more troops could be transported through that city. When Sumner reached Philadelphia they were reading bulletins, telling of the disaster to the troops he had just passed, from his own State. That night these same troops were quartered in the Senate Chamber he had lately left, and so the scene of argument was transformed into one of arms.

Events were fast hurrying upon one another. Both sides were marshalling armies, and every one now believed that war was inevitable. Sumner saw, in it, a great opportunity. He was as sure the South could not succeed, as he was that eternal principles of right ruled the world. He knew that slavery was the cause of all our trouble and he felt, that the destruction of slavery, would end the war. Slavery was wrong, and as it was the cause of the war, created and maintained it, he believed that the war thus created could not succeed. The only danger he saw, was, that the North would not place herself, in the right attitude. He felt, that she should squarely assert that she was against slavery, against its extension and believed it to be wrong,

and that Southern Statesmen, becoming convinced of this, had persuaded their section to rebellion, to save slavery. He believed the North should declare now, that the war having come, and for this cause, that slavery must be destroyed, in the Republic. She was not doing this. She was withholding any declaration, on the subject. She was holding on to slavery, in the border States, Delaware, Maryland, Kentucky and Missouri. She was holding on to the Southern States, and, apparently, undertaking to subjugate them. The South was asserting and apparently maintaining that her war was for independence, for liberty. So that the war was made to appear, as one for conquest, on the part of the North, and for independence, on the part of the South.

Sumner felt that all this was wrong, that we could not succeed, so long as we allowed the South to maintain such an attitude. The greatest naval power in the world was Great Britain. She would be against us upon such an issue, as the South was making. For our Nation had made war against her, upon this very issue, in our struggle for Independence. In this quarter, at any rate, the feeling towards us, as a Nation, was then none too kind. France, too, was already committed upon this question, for she had aided us, in that struggle. Under Napoleon, she had since maintained a life and death struggle, of her own, upon this issue, first, when Napoleon emulating the Emperor Charlemagne, in the extent of his territories, had sought to unite all Western Europe, under the battle cry of freedom from kings and hereditary monarchs; and, second, when all Europe had, in turn, united against him, and swept away his conquests and his empire, and carried him off, to St. Helena. The whole continent of Europe had seen wars for conquest, until it was tired of them. We could expect no sympathy there, upon such an issue. Yet the South was seeking assistance there, in its struggle for independence, as it called it, and the result must be doubtful to us, if she obtained such aid.

Upon the question of slavery, on the other hand, Europe was with the North. Great Britain had abolished it, in 1834. France in 1848; and the example of these nations was being followed, all over the Continent. It was everywhere being treated, as a relic of barbarism. Intelligent men united in condemning it and among them, no foreign country could hope to find sympathy, in a war waged in support of it.

Sumner maintained, that our Nation should be set right, before the world. He could not agree, that the necessity of holding the border States, for the North, was a sufficient com-

pensation, for the loss of the goodwill of Europe. Everywhere the real cause of the War should be proclaimed and the issue asserted, in no unmeaning terms, that the success of the North meant the destruction of slavery; while the success of the South meant the establishment of a new nation, with slavery, as the chief corner stone.

Sumner early pressed this matter, upon the attention of President Lincoln. A day or two before the bombardment of Fort Sumter, the President told him of the determination to provision and hold the fort, resisting, by fire, an attempt to take it, if one was made by the rebels. "Then the war power will be in motion," answered Sumner, "and with it great consequences." Sumner was in Washington, in May, and the President invited him to take an evening drive, in his carriage. Troops were seen everywhere, about the City, for the purpose of guarding the Capitol. Fortifications were being constructed, supplies were being collected and everything suggested the coming conflict. Sumner brought up the subject of slavery and took occasion to tell the President, that, so far, he was in the right, in the course he had pursued towards it, but he must be ready to strike, when the time came.

A special session of Congress was called to meet, July 4, 1861, to pass some measures, necessary for the war. Sumner, prompt in the discharge of his duty, was in Washington ten days, before Congress opened. It continued in session, till the middle of August, doing a good deal of actual work, but consuming very little time, in discussion, the purpose being to confine themselves closely, to the work in hand. While it was in session, July 21, occurred the battle of Bull Run. On the day of the defeat of our army, Sumner was with the President twice, but made no mention of slavery. But, on the second day after the battle, he went to the President, for the express purpose of recommending emancipation. It was late in the evening, and he found the President alone. Sumner opened the conversation, by saying he had come to make an important recommendation about the conduct of the war. To which the President replied, that he was just thinking of that, and had something new on the subject. Sumner supposing that he referred to emancipation, said: "Then you are going against slavery!" But the President replied, "Oh, no, not that." Sumner answered, he was sorry. When the President called his attention to the conversation, on their ride together, in May, and asked Sumner, if he remembered it. "Certainly," said Sumner. "Did you not then say that you approved my course?" asked the President. "Certainly," said Sumner, "but I also said

that you must be ready to strike at slavery, and now the moment has come." But the President did not agree with him. Sumner urged his reasons, upon the President, and their conversation continued, until midnight; but he was unable to convince him. Lincoln's primary object was to save the Union; Sumner's to destroy slavery.

Sumner was impatient at the delay and resolved to go before the people and publicly urge the necessity and duty of emancipation and create a sentiment, in its favor. During the fall, he was invited, by William Claflin, the Chairman of the Massachusetts State Republican Committee, to address the State Convention, which was to meet at Worcester, on October first. Sumner replied, that he would not speak, except to urge the duty of immediate emancipation. Claflin urged him to speak, and on that subject, if he chose. Sumner prepared his speech, and at a subsequent call of Claflin, read to him a sketch of what he proposed to say, telling him that, if it did not meet his entire approval, to say so, and he would not appear; but that he would say this, if he spoke at all. Claflin expressed his entire agreement and Sumner spoke. He was received by the Convention, with great enthusiasm and spoke for about an hour. This explanation is proper, because, in the heat of opposition, raised by the speech, it was claimed that he had thrust himself and his subject upon the Convention and that what he said was not favorably received.

He said he had often appeared before the people, to urge the duty of emancipating the National Government, from the control of slavery, and, that this had now been accomplished, first, by the people in the election of Lincoln and, second, by the cartridge box, when, in obedience to the command of the President, Fort Sumter had refused to surrender and had returned the fire of the rebel artillery. It had often been said that the war would make an end of slavery, but it was surer still, that the overthrow of slavery would make an end of the war. The war must be brought to bear directly on slavery. When the slaves fled to our armies, they must be received as free. The higher law, under the Constitution, martial law, which is only a form of self-defence, should be invoked against slavery. Under this law, not only the President, but the Commander of the army, had power to order the emancipation of the slaves.

"Two objects are before us, Union and Peace," he said, "each for the sake of the other, and both for the sake of the country; but without Emancipation how can we expect either?"

"Fellow-citizens, I have spoken frankly; for such is always

my habit. Never was there greater need of frankness. Let patriots understand each other and they cannot differ widely. All will unite in whatever is required by the sovereign exigencies of self-defence; which means that all will unite in sustaining the National Government, and driving back the Rebels. But this cannot be by any half way measure, or lukewarm policy. There must be no hesitation. Hearken not to the voice of Slavery, no matter what its tone of persuasion. It is the gigantic Traitor and Parricide,—not for a moment to be trusted. Believe me its friendship is more deadly than its enmity. If you are wise, prudent, economical, conservative, practical, you will strike quick and hard,—strike, too, where the blow will be most felt—strike at the mainspring of the Rebellion."

The address was received with frequent and long applause,—sometimes so great that the speaker was compelled to stop and wait, till quiet had been restored. No sign of dissent was shown during the delivery. But the applause must have come from those, in the Convention, who had been Free-soilers. The conservative or Whig element, in the Convention, though they made no sign of disapproval, during the speech, were against Sumner's recommendation. A resolution was introduced by James Freeman Clarke, proposing that all slaves, within the lines of our armies, be declared free and that their services be accepted, for the Union, and further, expressing the opinion, that slavery was the cause of the war and asking the Government to remove it. The resolution was laid upon the table, pending the transaction of other business, but, when a motion was made to take it from the table, another motion, to adjourn, was made and carried. And so the Convention adjourned, without a direct expression, on the resolution, being taken, but, with an indirect expression given, against it.

Out of the Convention, the speech created a good deal of a sensation. It was the first declaration, by any one, in high authority, in favor of emancipation. True some of the extreme anti-slavery men had advocated it, but they had advocated a great many extravagant things; and sometimes their advocacy did not attract much attention. But it did attract attention when Sumner, openly and with earnestness advocated it, before a political convention, of his own State. The speech was printed in the newspapers and was read widely and evoked much comment. The press of Boston, including the Republican papers, all condemned it, as did the Springfield Republican. Indeed, never once, in his career, did Sumner receive the cordial support of the newspapers of his home city. The

tone of their comment on this occasion was in some instances unkind. One of them called him "one of the most irrepressible impracticables of the party," and added that "it is the position and antecedents of the Senator which alone shield him from the suspicion of being a proper person against whom a writ *De lunatico inquirendo* might be issued." Another called it an "unfortunate speech, which had certainly done as much as lay within the compass of one man's powers to inspire this suspicion (that the abolition of slavery and not the Union was the object of the war,) to distract and weaken the loyal and by indirection to aid the disloyal." While the Boston Post (Democratic) in commenting on it, said "such men as Sumner, and his ilk, do not fight nor pay; they only brawl, and deserve to be treated as were old scolds in days past,—ducked in a horse pond," calling it again "the rodomontade of this classic fanatic at the Worcester Convention." But outside of Boston, the Republican papers of Massachusetts generally approved the speech. The New York papers as well as the Pennsylvania ones were generally divided, according to politics, upon it. It was printed and commented on variously in England and France.

His friends were as enthusiastic as his critics were bitter. The former took up the matter and to the threats of the latter that they would defeat his return to the Senate, at his next election, they predicted that his next election would be as nearly unanimous as the last. They thanked the papers that had assailed him, as simply revealing, in advance, their anxiety, for his retirement, and promised their own support. But this was hardly necessary; for within a year, the whole party were compelled, by the logic of events, to the same position, he had taken. The quotation, from Shakespeare's *King Henry V*, with which he prefaced this speech, was rising up, in warning, to the South.

"Therefore take heed \* \* \*"  
How you awake the sleeping sword of war :  
We charge you, in the name of God, take heed!"

From this time forward, Sumner lost no opportunity to urge emancipation, whether before the people, or in his place in the Senate, or with the President. He knew that the great purpose must be to convince the people. He never lost his faith, in them. If they once united, with him, the result was certain; but, without them, it was doubtful, when success would come. To this task therefore he addressed himself, during the remainder of the recess, of Congress.

He grasped the opportunity for the accomplishment of the

great purpose of his life, and resolutely pushed forward to success. He was not in politics for the sake of its honors and its pleasures. He had no thought of wasting his life there, enjoying the idle days. He had a distinct purpose, which it was the hope of his life to see accomplished, for the good of his country ; and he kept steadily on, in pursuit of it. This is what distinguishes him from so many statesmen, bent only on the attainment of place and power for themselves. The consequences to himself, Sumner did not stop to estimate. With unfailing confidence in the justice of his cause, if he could only accomplish it, he was willing to rest his fame. And yet the people recognized his loftiness of purpose, as they always will, when real merit is at stake, and loyally kept him at his post. Daring always to do right, the sequel showed he was safe.

To John Bright, the English statesman, he wrote: “The contest must go on: there is no thought of compromise or arrangement. And with its progress the slavery question becomes more prominent. Against war as I am, never could I wage a war for emancipation; but with war forced upon us I accept emancipation as one of the agencies by which it may be brought to a close, and I see clearly that the war will then have a character which it now wants. If there are difficulties in this step, there are greater difficulties without it.” And again: “The South will fight like desperadoes, and I see no chance of closing the war without striking at slavery. \* \* \* Meanwhile the good people of England owe to us their good wishes. We are fighting the battle of civilization and their public men and newspapers should recognize and declare the true character of the conflict.”

Within three weeks after the Worcester Convention, where he proposed emancipation as a remedy for the hour, he prepared a lecture on the *Rebellion, its Origin and Mainspring*. In this lecture he treated the history of the South in its relation to the General Government, how it had haltingly concurred in the Declaration of Independence and again in the adoption of the Constitution, how it had by threatening disunion gradually acquired and maintained for Slavery the supremacy and with what tyranny it had commanded obedience, how now by a lawful and constitutional triumph of Freedom, in the election of Lincoln, being deprived of its accustomed rule, it had raised the bloody hand of Rebellion and proposed by war to destroy the Republic.

“But all must see,” he said,—“and nobody will deny—that Slavery is the ruling idea of this Rebellion. It is Slavery that marshals these hosts and breathes into their embattled ranks

its own barbarous fire. It is Slavery that stamps its character alike upon officers and men. It is Slavery that inspires all from the General to the trumpeter. It is Slavery that speaks in the word of command, and sounds in the morning drum-beat. It is Slavery that digs trenches and builds hostile forts. It is Slavery that pitches its wicked tents and stations its sentries over against the national capitol. It is Slavery that sharpens the bayonet and runs the bullet,—that points the cannon and scatters the shell, blazing, bursting with death. Wherever this Rebellion shows itself, whatever form it takes, whatever thing it does, whatever it meditates, it is moved by Slavery; nay, the Rebellion is Slavery itself, incarnate, living, acting, raging, robbing, murdering according to the essential law of its being."

"Such," he added, "is Slavery, that it cannot exist, unless it owns the Government. \* \* \* The slave-masters of our country saw that they were dislodged from the National Government, and straightway they rebelled. The Republic, which they could no longer rule, they determined to ruin. And now the issue is joined. Slavery must either rule or die."

He argued that the Union could be preserved only by the destruction of Slavery. He urged the people to strike where the blow would be felt and not miss the precious opportunity of destroying the monster evil, the source of all this strife, that military necessity required this in just self-defence. He knew the cavils that were urged against this remedy, but he trusted the people; for the heart of the people was right. He urged them to be aroused to the occasion. The only peril he feared was some new concession to Slavery.

This address was delivered in Boston, first, and then, in several cities of Massachusetts, as well as in Providence, Albany and Philadelphia, always to full houses. Such was its popularity, that he was asked to repeat it, in Boston and Philadelphia; and he did repeat it in the former place. It was last delivered in Cooper Institute, New York, on November twenty-seventh. The demand for it showed the interest of the plain people, in what he had to say, and the conversion of the masses to his opinions.

The audience, in New York, was a brilliant one. Long before the hour for meeting, the immense hall was crowded. The evening was a stormy one, and still the number of ladies present was larger than ever before seen, in the city, on a similar occasion. Many distinguished men of New York and New Jersey occupied seats upon the platform. The New York Herald, though hostile in politics, and unfriendly to the

meeting, admitted, that never before had Cooper Institute held an audience of such general reputation and intelligence. When Sumner came forward he was met, by tumultuous applause and cheers and waving of hats and handkerchiefs, and it was several minutes, before he could proceed, for the enthusiasm, which his appearance excited. Frequently during the delivery of his lecture, he was similarly interrupted and at its close resolutions were adopted, declaring it to be the judgment of the meeting that the public sentiment of the North was, in full sympathy with any practical scheme for the extirpation of Slavery, and would accept that as the only consistent issue, in the contest then waged. They also conveyed to Sumner the thanks of the meeting, for his eloquent assertion of this principle. Thus what had been denied him, in Massachusetts, was, six weeks later, accorded him, in New York.

At the opening of Congress Sumner renewed his efforts for emancipation in the Senate. The regular session commenced December second, 1861. Two days later, Sumner introduced in the Senate, a resolution that the Secretary of War be requested to furnish, to the Senate, copies of any general orders, in the Military Department of Missouri, relating to fugitive slaves. General Halleck, in command of that department, had issued an order directing that such persons should not be received, within his camps, or in the lines of his forces, when on the march, and, that any such slaves when found there be driven out of the lines. Sumner spoke on the resolution and characterized the order, as irrational and inhuman, authorizing the surrender of slaves, beyond any constitutional obligation. He insisted that such an order was disheartening, to the soldiers, and discreditable to the country, both at home and abroad.

On December seventeenth, he followed this, with another resolution, that the Committee on Military affairs, of which his colleague, Wilson, was Chairman, be directed to consider the expediency of providing by additional legislation, that the National army be not employed, in the surrender of fugitive slaves. It appeared that General Stone who commanded the Union troops, at the disaster of Ball's Bluff, had required his men to surrender fugitive slaves. In his command, were troops from Massachusetts, who had complained of this requirement. Governor Andrew had requested Sumner to call attention of the War Department to it and ask that the outrage be remedied. Some German troops, who had enlisted in Massachusetts, were also in Stone's army and were likewise remonstrating.

Evidence that the country was being aroused upon these ques-

tions came to Sumner, from various sources. On the day after the introduction of the first resolution, a letter from St. Louis informed Sumner, that the very slaves given up, belonged to Secessionists, in the Confederate army, and asked if it was not inhuman, for these poor people to be made outlaws, for no crime, save that they refused to join their masters, in the onslaught on the Government. Another writer from Missouri, in a letter which Sumner read to the Senate, when he offered the second resolution, said, that he had lived in Missouri twenty-four years and knew her people and had served them, in various offices, and that it was nonsense, to try to save Missouri to the Union and the institution of slavery also, that slavery should fall and Missouri be saved, that if the National armies would proclaim freedom to the slaves of Secessionists, the war would soon close.

In accordance with his second resolution, a bill was reported by Senator Wilson's committee, but it gave way to another, from the House, prohibiting the employment of National troops, in the surrender of fugitive slaves. On March thirteenth, 1862, this became a law. It was one step towards Sumner's desired goal,—emancipation.

Sumner's outspoken advocacy of this measure, was often criticised, and sometimes, for peculiar reasons. Certain it is that whenever an opportunity presented to correct the attitude of the country, and to further his cherished object, he did not fail to embrace it. Two of his colleagues, in the Senate, had died, Bingham of Michigan and Baker of Oregon. Sumner took the opportunity, in commemorating both, to especially emphasize their work against slavery and their stand for emancipation. He said that except while engaged in the public service, Bingham had all his life been a farmer. By successive promotions, he had been advanced to the State Legislature, Speaker of that body, Member of Congress, Governor of his State, and then Senator. But he belonged primarily to the vocation of the farmer, that does so much to strengthen both body and soul. Dependent upon Nature, the sun and the rain, the ever varying seasons, he had learned to be independent of men. Though a Democrat, when he came to Washington, he had frankly accepted the situation and true to his instincts for freedom had assumed the responsibilities of his position and had voted for the Wilmot proviso, forbidding slavery in any part of the territory proposed to be acquired from Mexico, at the close of the Mexican War, and, afterwards, had opposed the Fugitive Slave Bill. All this, Sumner recorded to his credit, and he added:

"He set his face against concession, in any degree, and in every form. The time had come when slavery was to be met, and he was ready. As the Rebellion assumed its warlike proportions, his perception of our duties was none the less clear. In his mind, slavery was not only the origin, but vital part of the Rebellion, and therefore to be attacked. Slavery was also the mainspring of the belligerent power now arrayed against the Union,—therefore in the name of the Union, to be destroyed. \* \* \* Such a Senator can ill be spared at this hour. His cheerful confidence, his genuine courage, his practical instinct, his simple presence, would help the great events now preparing, nay, which are at hand. Happily he survives in a noble example, and speaks even from the tomb."

He said that Baker's career had been somewhat different. He was born, in England, of poor parents, and his earliest recollection was of the magnificent pageant, attending the funeral of Lord Nelson, wounded in the naval battle of Trafalgar, where his own, annihilated the French fleet, he dying three hours later, when the day was won. Thus was Baker early taught love of country. He was brought, as a child, to Philadelphia. While still a boy, he had worked, in the factories, at the loom, and later had removed to Illinois. His early career was one of struggle, with adversity, but having reached the bar, his engaging ways and rare endowments as an orator had quickly carried him into Congress. Later he commanded a regiment with signal ability, in the Mexican War. Disappointed at not receiving a seat in the Cabinet of General Taylor, and considering his political career closed, in Illinois, he had hurried with the tide of emigration, to the Pacific coast, where his ability, as an orator, was quickly recognized and, a little later, he reappeared in Washington, as a Senator from Oregon. In a funeral oration over Broderick, Senator from California, killed by Terry the Chief Justice of that State, in a duel, growing out of political discussions, over slavery, in the heated campaign of 1859, Baker had so wrought up the feelings of his audience that violence was feared. On the breaking out of the Rebellion, he had enlisted in the army and was made Colonel of his regiment and, being stationed near Washington, he had sustained the dual relation of Soldier and Senator.

Coming into the Senate one day, in the full uniform of a Colonel, he had laid his sword upon his desk, and sat listening to John C. Breckenridge, lately the Democratic candidate for President, opposing the measures of the Government, for the preservation of the Union. Baker at once replied and the passions of his impulsive nature being aroused, branding his ad-

versary's words as "polished *treason* even in the very Capitol of the Republic," infusing the fire of his own spirit into his audience, he created a scene never to be forgotten.

"What would have been thought," he demanded, "if in another Capitol, in a yet more martial age, a Senator, with the Roman purple flowing from his shoulders, had risen in his place, surrounded by all the illustrations of Roman glory, and declared that advancing Hannibal was just, and that Carthage should be dealt with on terms of peace? What would have been thought, if after the battle of Cannae, a Senator had denounced every levy of the Roman people, every expenditure of its treasure, every appeal to the old recollections and the old glories?" "He would have been hurled from the Tarpeian Rock," interrupted Fessenden, in an undertone, who sat near him. And Baker catching up the answer and turning it against his adversary, thundered on, in his indictment of Breckenridge.

Breckenridge had not caught the voice of Fessenden and, thinking it was Sumner who had suggested the Tarpeian Rock, in his reply, made a coarse onslaught on Sumner. Sumner looked surprised but, accustomed to the abuse of the South, said nothing.

Breckenridge and Baker had come to the parting of the ways. The brilliant Southerner of long and distinguished ancestry, in Kentucky, was expelled from the Senate at its next session, characterized, in the resolution of expulsion, by Baker's epithet, "John C. Breckenridge, the *traitor*," and destined never to reappear, in his country's service. But his more brilliant antagonist, Baker, the poor boy, continued with increasing loyalty, in the service of his adopted country. At the head of his brigade, at Ball's Bluff, he fell dead, pierced by nine balls, the brain that had swayed listening multitudes shattered and the bosom, that had beat to so many generous impulses, riddled. His eulogies were pronounced in the Senate, in the presence of the Chief Magistrate and his Secretaries, and a multitude, gathered to pay him honor, at the very session of Congress that his antagonist was expelled.

It was an occasion that appealed strongly to Sumner; and, always happy, in tributes to his deceased colleagues, he was then at his best. The encounter at Ball's Bluff was a signal disaster, to our arms, and there was a strong disposition, to hold some one responsible for it. The brilliant life, suddenly snatched away in the midst of an honorable career, in the place where the waves of excitement ran highest, over a question that was rending the nation, aroused intense feeling and called out bitter expressions. But, through it all, Sumner saw the evil, that

caused it and the remedy. Grief would be unavailing, he thought, that did not point them out. Therefore, after picturing these leading events, in Baker's eventful life, he pointed the whole lesson, with this significant plea for emancipation.

"But the question is painfully asked, Who was author of this tragedy, now filling the Senate Chamber, as already it has filled the country, with mourning? There is a strong desire to hold some body responsible, where so many perished, so unprofitably. But we need not appoint committees, or study testimony, to know precisely who took this precious life. That great criminal is easily detected,—still erect and defiant, without concealment or disguise. The guns, the balls and the men that fired them are of little importance. It is the power behind all, saying, 'The State, it is I,' that took this precious life; and this power is Slavery. The nine balls that slew our departed brother came from Slavery. Every gaping wound of his slashed bosom testifies against Slavery. Every drop of his generous blood cries out from the ground against Slavery. The brain so rudely shattered has its own voice and the tongue, so suddenly silenced in death speaks now, in more than living eloquence. To hold others responsible, is to hold the dwarf agent and dismiss the giant principal. Nor shall we do great service, if merely criticising some local blunder, we leave untouched that fatal forbearance through which the weakness of the Rebellion is changed into strength, and the strength of our armies is changed into weakness."

"May our grief to-day be no hollow pageant, nor expend itself in this funeral pomp! It must become a motive and impulse to patriot action. But patriotism itself, that commanding charity, embracing so many other charities, is only a name, and nothing else, unless we resolve calmly, plainly, solemnly, that Slavery, the barbarous enemy of our country, the irreconcileable foe of our Union, the violator of our Constitution, the disturber of our peace, the vampire of our national life, sucking its best blood, the assassin of our children and the murderer of our dead Senator, shall be struck down."

These tributes of Sumner to his dead colleagues were criticised at the time for the passages I have quoted. One newspaper of New York, in an abusive article, declared that, "Even in the burial services of the dead he minglest his sectional hate and personal wrath" and that he ought to be sent home to Boston to be imprisoned in Fort Warren with Mason and Slidell, all enemies alike of the Government and the Union. But Sumner thought otherwise. "It is my nature," he once said, "to be more touched, by the kindness of friends, than by the

malignity of enemies; and I know something of both." He knew his dead colleagues, Bingham and Baker, and the lesson of their lives and its value to their country, at this time. He could justify all he had said of them and these Congressional eulogies published in pamphlet form were sent broadcast over the country and were eagerly read by patriotic people.

Such work for emancipation was making itself felt, in the country. During the early years of the war, there was an effort made by the Government to keep the border States from joining the Rebellion. They were slave states and it was feared that the adoption of radical anti-slavery measures would drive them out of the Union. President Lincoln, feeling the responsibility of his position, and knowing that his administration was new and untried, and that it had been entered upon under circumstances of peculiar difficulty, was anxious to gain the confidence of the country and to keep these border States. There could be no doubt that he felt, as to the cause of the war, much as Sumner did. Three years before, in his debate with Douglas, he had declared, "I believe this Government cannot endure permanently, half slave and half free." And he had then made the prediction that it would eventually become "all one thing or all the other." He had never retracted these opinions, then deliberately expressed. But his position was different from Sumner's, who had been in the Senate for ten years, and was well-known in public life; and his habits of thought were essentially different. He watched the public pulse more carefully; he reasoned out his conclusions more cautiously. He was slow in reaching his conclusions; and he had to reach them himself, no one could be said to control him. But his conclusions, when reached, were safe. Sumner while chafing at the delay of emancipation, knew him and trusted him always. And, to the credit of both, it may be said, no other President, during Sumner's whole public career, so much appreciated and trusted him as Lincoln.

Lincoln heard Sumner's plea for emancipation patiently and considered his arguments, but was slow to express himself, not agreeing that the time was ripe or that the people were prepared for it. But before the end of December, 1861, Lincoln privately confessed to Sumner that he was ahead of him only a month or six weeks. A majority of his cabinet then favored emancipation. The change was beginning to show itself, in the army orders, and a different attitude, towards fugitive slaves, who reached the Union ranks. The time was ripening fast for the consummation, so long hoped for, by Sumner. But it was not destined to be reached in six weeks.

## CHAPTER XXVII

### THE TRENT AFFAIR—SUMNER URGES RELEASE OF MASON AND SLIDELL—HIS SPEECH—HIS APPEARANCE AND POSITION—EMANCIPATION, ADVOCATED BY SUMNER—OTHER QUESTIONS

THE ports of the South were now in a state of blockade and the National Government was making every effort to cut off the Confederacy from communication with the world. At the same time the South was bending every energy to maintain her asserted position as an independent nation. She had appointed James M. Mason, of Virginia, Commissioner and Envoy to England, and John Slidell, of Louisiana, in the same capacity to France. They had succeeded in running the blockade, some time in October, 1861, and had reached Havana, in Cuba, with their two secretaries, their baggage and dispatches. It became generally known that they were in Havana, and what their mission was. They were to act as agents of the Confederate government, in procuring loans of money and armed intervention, as well as the recognition of the Confederacy and, generally, obstruct the United States, in their dealings with those powers. Having reached Havana, they were anxious to proceed on their missions, but the National Government was equally anxious to prevent them. They were still far from their accredited governments, but they relied on the vessels of some neutral power, to carry them. They had taken passage, in the English mail and passenger vessel *Trent*, on their way to St. Thomas, where that vessel turned her passengers over to a transatlantic ship. While near Nassau, on November eighth, but on the open sea, their vessel, the *Trent*, was overhauled by the *San Jacinto*, commanded by Captain Wilkes. He acted without instructions. The *Trent* was searched and Mason and Slidell, with their secretaries were transferred to the United States vessel and carried into Boston harbor, where they were confined in Fort Warren.

The affair excited various comments. The first feeling was one of congratulation, that two enemies of their country, engaged in acts of rebellion, had been apprehended. But then the question arose whether the taking of men, not soldiers, from a

neutral vessel, upon the open sea, could be justified, under the law of nations. The question was also asked what effect the act would have upon Great Britain, with whom our Government was anxious to be on good terms? The first feeling of exultation gave way to one of doubt and questioning. So great a lawyer as Caleb Cushing, once nominated by the President, for Chief Justice, maintained that the seizure was right; Chief Justice Bigelow, of Massachusetts, Theophilus Parsons, the head of the Harvard Law School, and Edward Everett, who had filled such offices as Minister to England and Secretary of State, also justified the act of Captain Wilkes. Other men of eminence, as well as, generally, the press of the country, took the same view. Congress meeting soon after, one of the first acts of the House was to adopt a resolution, thanking Captain Wilkes "for his brave, adroit and patriotic conduct" in the arrest. But Sumner, as soon as he heard of it, said the arrest was wrong and we would have to give the prisoners up, that it was in direct violation of the principle for which we had contended with Great Britain in the War of 1812. He admitted the precedents of the English courts were the other way and had probably misled some who took the different view.

The British Government was not long in making known what it thought of the arrest. The information reached England on November twenty-seventh, and three days later, instructions were dispatched to the English Minister, at Washington, directing him to demand the liberation of the four men and the delivery of them to the British Government, with a suitable apology. In a private letter, accompanying the dispatch, the Minister was instructed that, in case this demand was not complied with in seven days, he should break up his legation and leave Washington. The contents of these dispatches were communicated to our Government, on December nineteenth. In the meantime troops were ordered by Great Britain to Canada, the militia of that colony was drilled and the dockyards of England resounded with the din of workmen, fitting up her vessels for sea. All this meant war, in case her demand was refused, the recognition of the Southern Confederacy and aid, in every way, to the Rebellion. While all this was taking place, our Government was straining every nerve to suppress an uprising in the first flush of victory encouraged by the surrender of Fort Sumter and the successes at Ball's Bluff and Bull Run. Lincoln shook his head gravely and, to hot-headed advisers, significantly answered, "One war at a time, gentlemen."

Sumner shared Lincoln's fears. He was in Washington before the session of Congress opened and, as soon as he arrived,

he went to the President and Secretary of State, to counsel caution and advise against the adoption of the act of Wilkes. He showed letters to the President and afterwards read them to the Cabinet, received by him from the English statesmen, Bright and Cobden, showing their pacific feeling towards the the North and their familiarity with the true cause of the war. In answer to Sumner's inquiry about the feeling of the Administration towards England growing out of the *Trent* case, Lincoln said to him, "There will be no war, unless England is bent upon having one." This assurance Sumner conveyed to Bright, in a letter, strongly deprecating the attitude of the British Government and expressing a hope that pacific counsels would yet prevail. When the matter came up in the Senate, Sumner, anticipating an angry discussion and expressions of hostility towards England, that would add fuel to the flame, sought to have it referred to his committee, but to avoid dissension waived this and allowed it to go to a different one.

On December twenty-sixth, the last day in the limit set by the British Government, for the surrender of the men, the Secretary of State notified the English Minister, they would be surrendered. There was a good deal of bitterness felt towards England, for the peremptory manner in which the demand was made. Instead of making complaint, and seeking by preliminary negotiations, to obtain a peaceful surrender of the men and omitting the peremptory alternative of surrender or war, till these other means had been exhausted, a peremptory course was adopted, at the start. Indeed the English Government anticipated that such an event was likely to happen, for it took the opinion of its legal advisers upon the question of its rights, before Mason and Slidell were arrested. In the dispatch demanding the surrender, the British Government said it was willing to believe that Captain Wilkes was not acting under instructions, when he took them. And information that this was the case, and further that the United States Government would not complicate the situation by adopting the act hastily, was promptly conveyed to England, by instructions to the American Minister, at London. Why, then, was this peremptory course adopted, by the English Government, if it was willing to believe we did not intend the act? Why was it persisted in, and our pacific intentions not made public, in England, after they were communicated, to that government? These were questions often asked, in the United States, and unanswered, except by the assertion that the English Government desired war.

Naturally, these things provoked bitter comment. The

delivery up of the men, by our government added to the bitterness. Commenting on England's conduct, in the House, on January seventh, one speaker declared: "She is treasuring up to herself wrath against the day of wrath. She has excited in the hearts of this people a deep and bitter sense of wrong, of injury inflicted, at a moment when we could not respond. It is night with us now; but through the watches of the night, even, we shall be girding ourselves to strike the blow of righteous retribution." Another, Vallandigham, of Ohio, destined to a course of singular bitterness towards the North, in her efforts to suppress the Rebellion, declared that "for the first time, in our national history, have we strutted insolently into a quarrel, without right, and then basely crept out of it, without honor."

When these things were said, the men had been delivered up, but the position of the Administration was being misrepresented and misunderstood, at a time when it needed friends. It was important that the situation be understood, both at home and abroad. Sumner had privately urged the Administration to take the step it did; he was the chairman of the Committee on Foreign Relations, the most important officer in the country, in such a crisis, except the President and his Secretary of State; and above all he was well-versed in international law. The task therefore naturally fell to him. Two days after these bitter expressions, in the House, he spoke in the Senate.

It being announced that he was to speak, at an early hour, the galleries of the Senate began to fill, and, by the time he commenced, notwithstanding the fog, the rain and the mud of the wretched morning, they were crowded. The ladies' gallery was filled. The wife of Vice-President Hamlin, with a party of her friends occupied seats, in the diplomatic gallery, which was also crowded. General Fremont was there and prominent Abolitionists. Every important foreign minister, in Washington, except only Lord Lyons, the English Minister, whom etiquette kept away; and members of the Cabinet, Chase and Cameron, occupied seats on the floor of the Senate. The Senators themselves, generally so careless of each other's speeches, were willing to hear him, upon this subject, and listened with attention.

The speech was impressively delivered, so kind and so calm, in rebuke, and yet convincing. His argument was strictly a legal one. He lifted the case out of the narrow limits, to which it had been confined, by others, that the arrest was wrong, because the *Trent*, as well as the prisoners, had not been brought into a port where the case could be adjudicated upon, by a

prize court, a position which was untenable; because if the seizure was wrong, it could not be made right, by increasing the extent of the seizure. Sumner placed it upon the broad ground that a neutral ship could not be stopped, on the high seas, where there was no court to adjudicate upon the rights of the parties and there be subjected to a search, and, if persons, not soldiers, were found, they be taken, by force, into the custody of a belligerent and carried away. Such a law would make all ships and their cargoes on the high seas, perhaps thousands of miles from land, subject to the jurisdiction of a lieutenant, upon the quarter-deck. It would subject neutral ships to insufferable annoyance and innocent men to infinite hazard. If a right to the custody of such persons was claimed, it should be asserted in port, within the jurisdiction of some court, where, without inconvenience, and with little expense, the question could be adjudicated. He insisted that enemies, unless soldiers, in actual service, could not be taken out of a neutral ship, that such persons as Mason and Slidell were not contraband of war, so as to affect the voyage of a neutral with illegality.

He summarized his own position thus: "If I am correct, in this review, then the conclusion is inevitable. The seizure of the Rebel emissaries, on board a neutral ship, cannot be justified, according to declared American principles and practice. There is no single point, where the seizure is not questionable, unless we invoke British precedents and practice, which, beyond doubt, led Captain Wilkes into his mistake. \* \* \* He was mistaken. There was a better example; it was the constant, uniform, unhesitating practice of his own country, on the ocean, conceding always the greatest immunities to neutral ships, unless sailing to blockaded ports, refusing to consider dispatches as contraband of war, refusing to consider persons, other than soldiers and officers, as contraband of war, and protesting always, against an adjudication of personal rights, by summary judgment of the quarter-deck."

The United States had taken this position, almost at the beginning of her history, he insisted, and had consistently followed it, ever since. He quoted numerous of her treaties, to prove this. On the other hand, Great Britain had denied it and this had been the chief cause of the War of 1812. There were precedents, in the reports of cases, tried in her courts, of that kind. Following these, many of the writers, who justified the act of Captain Wilkes, as well as Captain Wilkes himself, had been mistaken. England had refused to recognize our position, even at the close of the War of 1812; but now, at last, by actual experience, she had been compelled to come to

it. The tables were turned. By the act of Captain Wilkes we were put in the position England had held, and which we could not maintain, without violence to all our own precedents; while England, when brought to experience the wrong, she had inflicted, upon us, thousands of times, prior to 1812, had been compelled, by a sense of right, to turn her back, upon her own principle and acknowledge we were right. So that, while the Administration had given up "two old men," of insignificant importance, we gained the acquiescence of England to an immortal principle of international law. Truly the victories of peace had become greater than those of war!

This speech elevated Sumner, in the estimation of the country. By such efforts, where slavery was hardly mentioned and where, in a closely reasoned discourse, upon an important principle of international law, he furnished a classic upon the subject discussed, he taught men that he was not a mere agitator, but a broad-minded statesman, equipped for every requirement of his position.

Sumner had now become the most prominent figure in the Senate. His seat was most inquired for, by strangers visiting Washington, and when it was announced that he was to speak, the chamber and the galleries were filled. His stalwart frame six feet, three inches tall, towered, by his desk, on the outer circle. His deep, resonant voice, filling with distinctness every nook and corner of the chamber, fell easily upon the ear of any listener. His speeches, carefully prepared, in advance, as great orations for some great occasions, seldom fell short or disappointed the expectation of his audience. His motions, were vigorous, and yet graceful, and there was a charm and an impressiveness, in his manner, and a depth of conviction, in his words, which added to his wealth of learning and his rhetoric, made a lasting impression. No one could question his sincerity or his earnestness.

His position was already somewhat historic. The cause for which he had so long stood, in public life, as the chief representative, was now the reigning one, in Washington. When he first entered the Senate, ten years before, there were only two of his political belief, Chase of Ohio and Hale of New Hampshire. He was then denied a place, on any of the committees of the Senate, as being "outside of any healthy political organization." Now, he was the Chairman of the principal committee of that body, and his party held the Presidency and both Houses of Congress. In all the intervening years, that had brought these changes about, he had stood manfully for his convictions, without fear and without compromise. He had aided to bring these

changes, by years of toil and abuse and suffering. To the great public who had watched his course, he sustained something of the character of a living martyr, for a triumphant cause. To few mortals, is it given, to occupy such a place. Oftenest, like Lincoln, they are in their grave, before the day of triumph. To Sumner it brought added labor and responsibility.

There has seldom been a more laborious session of Congress, than the first regular session, after this election of Lincoln. The qualification of members of Congress, was called in question, as never before. The Rebellion had introduced new relations. Some of the Senators as Jefferson Davis, Toombs and Mason had voluntarily abandoned their seats, some, as Breckinridge, had been expelled, without ceremony, still others held to their places and, when questioned, insisted upon their qualification. Among the last, was Jesse D. Bright, of Indiana. A resolution for his expulsion was offered, in the Senate, by Wilkinson of Minnesota. The charge against him was, that he had written a letter, addressed to "His Excellency, Jefferson Davis, President of the Confederacy of States," introducing one Thomas B. Lincoln, of Texas, adding, "He visits your capital, mainly to dispose of what he regards a great improvement, in fire-arms. I commend him to your favorable consideration" etc. Bright disclaimed any recollection of having written the letter, but admitted that if Lincoln said he did, it was probably correct. Lincoln had not reached Davis, with the letter, but when arrested had given it up, and so it had appeared against Bright. Sumner insisted that this was treason and advocated his expulsion and he was expelled. The judgment seems a harsh one, looking at it, in our calmer times. It was such a letter as, inadvertently, might have been given, in the early days of the Rebellion, by a public official, to a friend, seeking an introduction, to one, with whom the writer had lately served, in the Senate.

General Lane of Kansas had been elected to the Senate but before he had taken his seat, President Lincoln had designated him as Brigadier-General of volunteers, and he had entered upon his duties as such, without any formal commission or appointment, from the United States Government. Afterwards, upon being informed, that he could not hold both positions, he abandoned his place, in the Army, and qualified as Senator. Meantime the Governor of Kansas, assuming that he had vacated his right to a seat, in the Senate, appointed Frederic P. Stanton. Sumner spoke in favor of Lane, and insisted that he had not been a Senator, when he served under the President's designation, for he had not qualified. He was only a

Senator elect. Nor, he insisted, was he, in the language of the Constitution, "holding any office under the United States," when in the military service, for he had been a Brigadier General under a commission from his State, like Colonel Baker, the President not then having the authority to make the appointment, the law authorizing it, not having been passed. The outcome of the contest was that Lane was seated, though the Judiciary Committee of the Senate had reported against his right.

The position, of the States in rebellion, early became one of perplexity. On the eleventh of February, 1861, Sumner introduced, in the Senate, a series of resolutions, intended to fix the relation of these States to the National Government. The resolutions declared that the Ordinances of Secession adopted by these States were void, but, if sustained by force, became an abdication of all their rights, so that the territory of the States in rebellion came under the jurisdiction of Congress, just as the Territories were; in other words, that State rebellion was State suicide, that every act of the men, in rebellion, was utterly lawless, that the termination of the State, terminated all local institutions created by the State; and that slavery, being thus created, fell with the State; that it was the duty of Congress to see that slavery in these States ceased to exist, in fact, as it already had ceased to exist, in law; that a recognition of slavery, by a civil or military official of the United States, would be giving aid to the Rebellion and would besides be a reduction to slavery of persons that, by act of the State, had been made free; that it was the duty of the National Government, to protect those formerly held as slaves, in the freedom they had thus acquired; that Congress should also assume complete jurisdiction of such vacated territory and proceed to establish there republican forms of government. When the resolutions had been read, Sumner moved that they be laid on the table and be printed, adding that he hoped, at some future day, to call them up, for consideration. Others sought to have them referred to a committee, hoping thus to be rid of them permanently. Sumner's motion prevailed, though the wish to avoid a discussion of the questions thus presented had probably more to do with the result, than anything else.

These resolutions created a sensation. The doctrine that State rebellion was State suicide and reduced the rebellious State to the condition of one of the Territories, was startling, to many of Sumner's political associates. Leading Republican members of the Senate made haste to disclaim any party responsibility, for the doctrines of the resolutions. They admitted Sumner's right to introduce them, as he might any other

measure he pleased, but they insisted, in their speeches, commenting on them, that the party was not to be held responsible for what was merely his individual act or opinion. The resolutions were, indeed, far in advance of the public opinion of that time. There was still a disposition to hold on to slavery, and, especially, not to disturb the property rights of loyal slaveholders. Davis of Kentucky, two days after the introduction of these resolutions, introduced counter ones enforcing this idea of protection to loyal slaveholders. They were also ordered to be laid upon the table and printed. After some discussion, however, the whole matter dropped out of sight and eventually disappeared. Sumner prepared a speech, for delivery in the Senate defending his position, but an opportunity not presenting, the material was used, in an article published in the *Atlantic Monthly* in October, 1863. His object was to destroy slavery, but this was accomplished a few months later by the Proclamation of Emancipation, by President Lincoln.

Yet these resolutions, introduced, in February, 1862, by Sumner, show his foresight and illustrate how, so often, he strode ahead of his colleagues. The very Republican Senators who disowned these resolutions in 1862, accepted the doctrine of State suicide, in 1867, when demanding colored suffrage, as ordained by Congress, as a condition of reconstruction, in the States, that had been in rebellion. Doolittle of Wisconsin, on the latter occasion, unwilling to go with others, declared that more than twenty Republican Senators, who had stood with him, advocating reconstruction upon the white basis, in 1862, had in 1867 gone over to Sumner's side and advocated his theory of reconstruction upon the basis of negro suffrage. Fessenden, himself one of the ablest men who ever sat in the Senate, completely changed his opinion. In 1862, discussing Sumner's resolutions he said: "I dissent entirely from the conclusions of the honorable Senator from Massachusetts, as stated in his resolutions." In 1866, he declared that these States, "having by this treasonable withdrawal from Congress, and by flagrant rebellion and war, forfeited all civil and political rights and privileges under the Federal Constitution, can only be restored thereto by the permission and authority of that constitutional power, against which they rebelled, and by which they were subdued."

Hendricks, the Democratic leader of the Senate, afterwards Vice-President, twitting his Republican colleagues one day, upon this change of opinion said: "the Senator from Massachusetts steps out boldly, declares his doctrine, and then he is approached, and finally he governs. \* \* \* He was told some-

what sneeringly, two years ago, that among his party friends he stood alone; and to-day they all stand upon his position."

But such men as John Jay, Charles A. Dana and Park Benjamin of New York, out of politics, but of ability and independence of thought, distinctly approved Sumner's resolutions. On March sixth, 1862, a public meeting was called at Cooper's Institute, New York City. The call for it asked the presence of all who concurred in the conviction that the traitorous power, calling itself The Confederate States, instead of achieving the destruction of the Nation had thereby only destroyed slavery and that it was the duty of the National Government to provide against its restoration. Carl Schurz was among the speakers. Letters were read from Sumner, Preston King, Henry Wilson, David Wilmot and George W. Julian. Resolutions, in harmony with those offered by Sumner, in the Senate, were adopted and forwarded by the Secretary to Sumner, with the request that he present them to the President and to Congress. The German Republican Central Committee of the city and county of New York also passed a resolution indorsing Sumner's position.

On the very day of this meeting, the President communicated to Congress a scheme for compensated emancipation. This was his first official step towards emancipation. This means was soon found to be impracticable, on a large scale.

When Sumner arrived in Washington at the beginning of the session, he had gone to the President, to press the matter of emancipation. He found the President willing to talk about it, but still unwilling to take decisive steps. The President read to him a draft of his annual message to Congress; and Sumner was disappointed at not finding in it a recommendation on this subject. He was still more disappointed to learn, from the President himself, that he had stricken out of Secretary Cameron's report a reference to this subject. Cameron was in favor of it, as were also Chase and Stanton of the Cabinet. But Sumner easily saw that Lincoln's heart was right and that he was working it out, in his own way. Not a week passed without Sumner seeing the President once, or oftener, and pressing the matter upon him. At length, on the morning of March sixth, the President sent for Sumner to come to him, as soon as convenient after breakfast. When Sumner reached the White House, the President told him he had something to read to him and produced his special message to Congress, recommending compensated emancipation. It was not Sumner's way to deal gradually with a wrong, and he so argued with the President; but he admitted that this recommendation was a

step in the right direction. Sumner took the Message and while reading it criticised certain passages and upon the suggestion of the President undertook to change the wording of one. After working at it a little while, he was interrupted, by the President proposing to strike the whole of the passage out. Sumner continued to study the paper, when Lincoln playfully interrupted him, with the remark, "Enough, you must go now or the boys" (referring to his private secretaries, Nicolay and Hay), "won't have time to copy it". And so Sumner left, the President assuring him, he would communicate it to Congress that day.

The Message, recommending compensated emancipation was accordingly communicated to Congress. But nothing was ever done under it, except the adoption, by both Houses, of a resolution recommending that the Government ought to co-operate with any State which may adopt gradual abolition of Slavery, giving to such State pecuniary aid, to be used by it, in bringing about this change.

But the Message did more good than this. It paved the way for the Proclamation of Emancipation, which the President issued a few months later. And it materially aided in the scheme of compensated emancipation, in the District of Columbia, then pending in Congress. At the beginning of this session, Sumner's colleague, Wilson, had introduced a bill providing for emancipation in the District and creating a commission to appraise the claims on account of slaves thus liberated, limiting the allowance in the aggregate, to an amount equal to three hundred dollars a slave, and appropriating a million dollars to pay loyal owners, for the slaves thus liberated. There was added to it an appropriation, to aid such slaves as wished to emigrate to Haiti or Liberia. Sumner spoke at length, on this bill, on March 31, 1862, advocating its passage by the Senate. He did not like the compensation feature. He was unwilling to recognize the title of the master, implied in compensation. He therefore refused, in speaking of it, to call it "compensation" but preferred the term "ransom", paid for the slave and for his benefit and as his right, after years of unrequited toil, rather than as a compensation to the master for a right surrendered. He upheld it as a duty, on the part of the country, for its complicity in maintaining, so long, slavery, in a place, exclusively under the national jurisdiction. He recognized it also as the gentlest, quietest and surest way in which the change could be accomplished and therefore the most practicable.

The bill passed the Senate on April third and the House on April eleventh; but it was not approved by the President until

April sixteenth. In the meantime, there was some question, as to the cause of this delay of the President. Sumner, anxious lest it should fail, sought him and urged him to approve it. In the course of their conversation, Sumner said to him: "Do you know who, at this moment, is the largest slaveholder, in this country? It is Abraham Lincoln; for he *holds* all the three thousand slaves of the District, which is more than any other person in the country holds."

As the first practical act of emancipation, it was hailed with delight by the colored people, who had so long waited for some definite action of this kind. Fred Douglass, who had endured the lash of the master upon his back, made haste to express his gratitude to Sumner.

"I trust I am not dreaming," he wrote, "but the events taking place seem like a dream. If slavery is really dead in the District of Columbia, and merely waiting for the ceremony of 'Dust to Dust' by the President, to you more than to any other American statesman belongs the honor of this great triumph of justice, liberty and sound policy. I rejoice for my freed brothers,—and, Sir, I rejoice for you. You have lived to strike down in Washington the power that lifted the bludgeon against your own free voice. I take nothing from the good and brave men who have co-operated with you. There is, or ought to be a head to everybody; and whether you will it or not, the slaveholder and the slave look to you as the best embodiment of the anti-slavery idea now in the councils of the nation."

While the bill was before the Senate, Sumner moved an amendment to it. The bill provided that the Commission created to appraise the claims on account of slaves liberated should have power to subpoena witnesses and compel their attendance before it, as in civil cases before courts of justice. Sumner's amendment provided that in so doing there should be no exclusion of any witness on account of color. The old Maryland statute that was still in force in the District, did not permit colored persons to testify in any case, where a white man was a party. This amendment removed the disability of colored persons, before this commission. The amendment was agreed to and became part of the law. It was the first movement for the civil rights of the colored people. But it only applied to proceedings under this one act. A little later, on July seventh, when the Senate had under consideration a supplementary bill, on emancipation in the District, Sumner moved an amendment to it, that in all judicial proceedings in the District there should be no exclusion of any witness on account of color. This amendment also was carried and became a law. Thus in the

District of Columbia was removed forever, the disability of colored persons as witnesses and thus ended the *outrage*, as Thaddeus Stevens called it of not allowing any man of credit, whether white or black, to be a witness.

Sumner aided, at this session of Congress, in removing another discrimination by the National Government, against the colored race. The republics of Haiti and Liberia, composed of colored people, with governments modeled upon our own, and Liberia largely colonized by people of our own, had thus far never been recognized by us. This fact could only be explained by the prejudice towards the colored race, on the part of the slave-owners who had so long dominated the National Government. While other nations received and sent ambassadors to them, ours did not. The failure of our government to recognize them was commented upon, by President Lincoln, in his annual message and he recommended an appropriation for maintaining a chargé d'affaires near each of them. Sumner moved the reference of this part of the message to the Committee on Foreign Relations and having called for all the documents and the files of the Senate on the subject, he soon thereafter reported, from the Committee, a bill authorizing the President to appoint diplomatic representatives, to both Republics and in a speech setting out the natural advantages of the countries and their importance to our commerce, he urged the passage of the bill.

It was opposed by the Senators from the slave States, not in rebellion. They gave the same reasons for their opposition, that had previously been given, by their brethren of the slave States, whenever the subject had been before Congress.

Saulsbury, of Delaware, admitting that the bill would now pass, added: "I predict that, in twelve months, some negro will walk upon the floor of the Senate of the United States and carry his family into that gallery, which is set apart for foreign ministers. If that is agreeable to the taste and feeling of the people of this country, it is not to mine; and I only say that I will not be responsible for any such act."

Davis, of Kentucky, was disgusted with the subject of slavery in the Senate Chamber and was opposed to this bill for the reason that if we sent ambassadors to Haiti and Liberia, they would send their ministers to our country, and our President would be obliged to receive them, on an equality, with the representatives from other powers. A full blooded negro from them would have to be received by us, on the same equality as a white representative from a white people. When the President entertained the wives and daughters of the white ambas-

sadors, he would have to entertain, with them, the black wives and daughters of these colored representatives. This, Davis could not endure. He recalled an illustration. When the refined French court admitted the representative of Soulonque, "who then denominated himself, or was called, the Emperor of Dominica, I think," said Davis.

"Of Haiti," interrupted Sumner.

"Well," replied Davis, "a great big negro fellow, dressed out with his silver or gold lace clothes, in the most fantastic and gaudy style, presented himself in the court of Louis Napoleon, and, I admit, was received. Now, Sir, I want no such exhibition as that in our capital and in our Government. The American minister, Mr. Mason, was present on that occasion, and he was sleeved by some Englishman—I have forgotten his name—who was present, who pointed him to the ambassador of Soulonque, and said, 'What do you think of him?' Mr. Mason turned round and said, 'I think, clothes and all, he is worth a thousand dollars.'"

Notwithstanding such objections, however, the bill passed both Houses of Congress and became a law.

Another step was taken at this session of Congress for the protection of the colored race and the destruction of slavery. Notwithstanding the slave trade had been abolished by statute and declared to be piracy, so long ago as 1820 by the United States, and, by England, in 1807, yet owing to the inefficient manner in which these laws were executed, negroes were still captured, in Africa, and brought to America and sold into slavery. No conviction under the United States statute was had, until 1862, when Nathaniel Gordon, master of a vessel, called the *Erie*, was convicted and hanged, in New York. Early in the spring of that year, Sumner had a conference with Secretary Seward, on the subject. As a consequence, negotiations were opened with the British Minister and a treaty was soon made, with Great Britain, for a restricted right of search, of vessels supposed to be engaged in the trade, and for the creation of mixed courts for the condemnation and destruction of the ships found to be engaged in the business, leaving the slave-trader himself to be tried in the home courts of the captor. Sumner moved the ratification of the treaty in the Senate, on the twenty-second of April, and spoke in favor of it. The treaty was *unanimously* ratified. When Sumner carried the news to Secretary Seward, late in the afternoon, he found him reclining upon a sofa, in his private office. "Where," said he, rising in astonishment, "were the Democrats?" In a subsequent bill, reported by Sumner from his Committee, a judge

and arbitrator for the mixed courts to be held respectively at New York, Sierra Leone and at Cape of Good Hope, were provided for and thus the trade became almost impossible. The terror of the law, with such provisions in it, was sufficient to destroy the traffic and eight years later the courts, being without business, were abolished.

Two subjects pressed themselves upon the attention of Congress at this session,—first, the punishment of the men in rebellion; second, the provision of means to sustain the war. These two classes of bills were known as the Confiscation Bills and the Revenue Bills. While not of the permanent interest of some others, they were matters that could not escape immediate attention. They naturally awakened a good deal of interest.

From early in the session until the last day, July seventeenth, the consideration of the Confiscation Bills was, in some form almost constantly before the Senate. A majority of the Senators agreed that such a bill should be passed. They agreed too that slavery being responsible for the war, it should be made to feel the punishment and that the natural way to do this was in the emancipation of slaves. The differences were in matters of detail and they took a great part of the time of the session in their discussion though not destined to prove of permanent importance.

A bill introduced by Sumner provided that all persons in rebellion or who aided it or gave to those engaged in it aid or comfort, forfeited all claims to their slaves, who thereby became free. If the master of any fugitive slave claimed him, it would be a defence to his claim to show that the master had engaged in or aided the Rebellion. Loyalty had to be proven as one of the elements of title to the slave. On the other hand, the bill which became a law by the President's approval on the last day of the session, provided that only the slaves who had escaped from Rebel masters and had come within the lines of the Union army or under the control of the United States government should be free. The difference between the two bills was that Sumner's was broader than the bill that became a law. By his bill all slaves of all rebels, wherever they were, were free. By the law passed only such of these slaves, as escaped to the lines of the United States government, became free. Little difference did it make after the publication of the President's Proclamation of Emancipation two months later, which bill became a law. For by the preliminary proclamation of September twenty-second, freedom was promised to all slaves within the States, the people whereof should be in re-

bellion on January first, following. So that not only did all the slaves of Rebels, but all the slaves of loyal owners, then come to the promise of freedom soon to be consummated. The proclamation of the President was much wider than either of the bills.

Some members of the Senate doubted the power of Congress to interfere with slavery. They argued that it was a local institution created and maintained by the laws of the States wherein it existed and that only those States had power over it. They insisted that Congress could only punish the offenders in rebellion as other criminals are punished, according to law; that such a bill as this was an *ex post facto* law, and that like a bill of attainder, it inflicted punishment, without conviction by due process of law, all of which was forbidden by the Constitution.

Sumner scouted such arguments. He felt impatient at the course of such debate, standing face to face with enemies striking at the life of the Republic and yet in dealing with them to be subjected to all the embarrassments of criminal proceedings. "People," he said, "talked flippantly of the gallows as the certain doom of the Rebels. This is a mistake. For weal or woe, the gallows is out of the question. It is not possible as a punishment for this rebellion." He insisted that we were in the midst of rebellion as well as in the midst of war and that as a consequence we had a right to treat the offenders as criminals or as public enemies and to choose for ourselves whichever method of punishment we preferred; that the power to do this was ample, allowed both by the Constitution and the laws of war. He showed that confiscation had always been an instrument of government both in punishment for crime and in war. After reviewing foreign examples of ancient and modern times, he collected the statutes, eighty-eight in number, which had been passed by the colonies, punishing, by confiscation of property, the Tories, who had adhered to the King of England, during the Revolutionary War. He arranged them under the heads of the respective colonies so as to show that the Southern people themselves as well as the Northern did not hesitate during the Revolutionary War to employ all the acknowledged rights of war against their fellow citizens who were acting as public enemies. He showed also that the Commissioners Adams, Franklin and Jay, refused, in the negotiations with England for the acknowledgment of National Independence, to either restore the property thus confiscated or to pay for it.

Closing his speech, on this subject, on the nineteenth of May, 1862, Sumner said: "God, in His beneficence, offers to na-

tions, as to individuals, opportunity, *opportunity, OPPORTUNITY*, which, of all things, is most to be desired. Never before, in history, has he offered such as is ours here. Do not fail to seize it. \* \* \* If you seek Indemnity for the Past and Security for the Future, if you seek the national unity under the Constitution of the United States here is the way. Strike down the leaders of the Rebellion, and lift up the slaves."

Little profit as there seemed to be, on first impression, in all this discussion, to secure the passage of a bill, that was soon to be supplanted, by the wider proclamation of the President, still I am not disposed to think the discussion was as fruitless as it appeared. We must remember that slavery was the cause of the war and, in the light of all the past, we could hope for no permanent peace, without its destruction. But emancipation was not practicable, at the beginning of the war. The country was not prepared for it. Aggressive anti-slavery men, like Sumner, were thoroughly convinced of its necessity. But the South was a unit against it, and half of the North was of the same way of thinking. It remained for the North to be educated upon this question. More than any other means to this end was the long discussion of the question, in Congress, during this session. From Washington, it widened out, through the press and public discussion, until a great change, in public sentiment, was wrought. Sumner spoke, earnestly and often, during the session, upon the question, but his principal speech was delivered, on May nineteenth. This speech was republished, under the title of "Rights of Sovereignty and Rights of War," by the Young Men's Republican Union of New York City, and gained a considerable circulation. He spoke again, on the question, June twenty-seventh, and his speech this time was published, at length, in the New York Independent. In prefacing it the Independent declared it to be "the most complete presentation of the question, that could be found, within the same compass, and, like all Mr. Sumner's speeches, distinguished for accuracy of statement, learning and sound principle."

Sumner's labors for emancipation at this session had been herculean. He was as thoroughly convinced, as could be, that the long hoped-for "*opportunity*" had arrived and, for the good of the country, as well as humanity, should not be allowed to escape unembraced. Of course his persistency, in pressing emancipation, was resented, by the few pro-slavery members, remaining in the Senate. They felt that the colored people were occupying too much of the attention of Congress.

Garrett Davis of Kentucky, one day, when Sumner was seek-

ing the amendment of a bill, relating to the judiciary, so as to forbid the exclusion of witnesses, in the United States courts, on account of color, rather petulantly remarked: "I do not think, Mr. President, there was any need for sticking the perpetual, the all-pervading, the every-where-to-be-found, the ever-in-the-way negro to this bill. I hope and trust that the Senate and the Congress of the United States will be allowed to mature and perfect some new bills, in which the interests and the business of the white men are involved, without having this ever-present negro stuck upon them, by the Senator from Massachusetts. If he desires to bring up this matter of the negro, in connection with the rules of proceeding in the Federal courts, let him introduce a distinct bill, and not make everything odoriferous of his friend."

The amendment was rejected. But Sumner renewed his motion, in the form of a proviso. The Senate adjourned and the bill was never taken up again. But a few days later, the Senate having under consideration another bill, Sumner offered his amendment again. It was rejected again. But Sumner renewed it, at the next session; and finally it passed.

This, in brief, was the history of this bill, but not of this bill alone. It was the history of many of the measures, that Sumner advocated. They oftentimes did not triumph, when he first presented and first advocated them. But his persistency in a good cause, has been seldom equalled. If defeated once, he only renewed the struggle again, in a different form, and, if necessary, again, and again. His persistency was one of the marked traits of his character.

But often, his thorough investigation of a question, led to its prompt determination. This was illustrated, on more than one occasion at this session. On the seventh of July, a bill was before the Senate, to establish provisional governments for the States in rebellion. This was reported to the Senate with certain amendments, one of which recognized the laws of the State before rebellion, and provided for their continued enforcements, under the new government. Sumner opposed this amendment, recognizing these laws. He read, from the statutes of North Carolina, one, which provided, that any free person teaching a slave to read or write, or giving a slave a book or pamphlet should, if white, be fined, not more than two hundred dollars, or imprisoned and, if colored, should be fined, or imprisoned, or whipped; another statute, forbidding a slave to teach another slave or free negro, to read or write; another forbidding a person to circulate or publish in the State anything calculated to cause slaves to be dissatisfied with their condi-

tion or stir them up to conspiracies or insurrections, under penalty of imprisonment, for a year, for the first offence, and of *death*, for the second; another, forbidding a free negro to preach, in public, or officiate, at a prayer-meeting, where slaves of different families are collected, under penalty of receiving thirty-nine lashes on his bare back. The bill was allowed to drop, one of the members of the committee, who had united in reporting it, declaring that he himself was against it and would never vote for a law that sanctioned the punishment of a man "for teaching another to read the word of God."

With like ease, by a visit to the President, and a call for documents, by resolution, in the Senate, Sumner stopped the provisional Governor of North Carolina, from closing up the colored schools of that State, under laws in force prior to rebellion. The sweeping order of the War Department, to the Governor, directed the enforcement of these laws. The teacher of one of the schools thus closed, came on to Washington, and presented the matter to Sumner and asked his interference to stop such proceedings. Sumner at once sought the President, at the White House, and, not finding him there, followed him to the War Department. Upon Sumner making known to him the purpose of his visit, the President asked him, with some impatience; "Do you take me for a School Committeeman?" "Not at all," answered Sumner, "I take you for the President and I come to you with a grievance that George Washington would have added to his renown, in correcting." The President stopped and heard him patiently and the matter was corrected. Sumner, in relating it afterwards, said this was the only time he was ever treated impatiently by Lincoln.

Other things of grave importance were pressing upon the President, in his still new and untried position. A large army was already in the field and the expenses of the Government were multiplying with fearful rapidity. The conduct of the war was absorbing the interest as well as the energy of the Administration. It is not difficult to realize that smaller matters, of detail, that had to come to the President's attention, at times, seemed more than he could bear.

The revenue bills received Sumner's careful consideration. Sumner voted steadily in favor of the proposition, much discussed and often before the Senate at this session, to make Treasury notes a legal tender, in payment of all dues, public and private, except for interest on bonds. In effect, it amounted to a forced loan to the Government. He spoke at length, in the Senate, in its favor. Others argued against its constitutionality, but he insisted that the Constitution expressly gave

to Congress the power to issue bills of credit and that this grant, of necessity, carried with it the power to make them a legal tender. He showed that, in times of exigency, such bills had been issued by Great Britain and the Colonies. But, while granting the power and admitting the necessity for the exercise of it, on the present exigency of the country, he warned Congress against the dangers of an irredeemable paper currency.

In the consideration of the Internal Tax Bill, Sumner moved an amendment for a tax of Ten Dollars on each slave owned, to be paid by his master. It was argued that such a tax would give sanction to property in man; but Sumner answered that slavery was an intolerable nuisance entrenched in State lines, that we would not treat it otherwise than as a nuisance when we taxed it. In taxing it we did not assume its rightfulness, but its existence. Taxation instead of being an encouragement of it would discourage it. But out of tenderness, to the slave-owners, in the border states, not in rebellion, Sumner's motion failed.

Sumner opposed a tax upon cotton. In the first consideration of the bill, he procured the tax of a cent a pound on it to be stricken out. But when the bill as thus amended went back to the House this tax was inserted again and when returned to the Senate, he procured it to be reduced to one half cent a pound. He felt such tax was unjust to the South, agricultural products of the North not being taxed; and likewise that it bore hard upon the manufacturers of cotton goods. Sumner also opposed an increase of the tax upon books imported into the country, as being a tax upon knowledge.

In the consideration of such measures the session of Congress wore away. It closed on July seventeenth, 1862. It had been an unusual one,—unusual for the new and unheard of questions it was called upon to dispose of, and unusual, as well, for the character of the work it accomplished. Sumner said of it on June twenty-seventh:

“The present Congress has already done much beyond any other Congress in our history. Measures which for long years seemed unattainable only to the most sanguine hope, have triumphed. Emancipation in the national Capitol; freedom in all the national Territories; the offer of ransom to help emancipation in the States; the recognition of Haiti and Liberia; the treaty with Great Britain for the suppression of the slave-trade; the prohibition of the return of fugitive slaves by military officers; homesteads for actual settlers on the public lands; a Pacific railroad; endowment of agricultural colleges out of the public lands; such are some of the achievements by

which the present Congress is already historic. There have been victories of war, won on hard-fought fields, but none comparable to the victories of peace. Besides these measures of unmixed beneficence, the present Congress has created an immense army and a considerable navy, and has provided the means for all our gigantic expenditures by a tax which in itself is an epoch."

When it was drawing to its close, Sumner declared he had not been out of his seat a half hour since the session began. But when the motion was made, fixing the time of adjournment, he spoke against it. He was tired, as well as the others, and wished to be away, but he could not agree to go and leave so much important business undisposed of. The admission of West Virginia, as a separate State, was pressing; Congress was called upon to provide provisional governments for the States in rebellion; and above all the Army Bill required prompt attention. This and Executive business should be finished, he thought, before the adjournment. But the majority voted otherwise.

## CHAPTER XXVIII

### THE CAMPAIGN OF 1862—SUMNER'S THIRD ELECTION TO THE SENATE—SESSION 1862-3—ADVOCATES ENLISTMENT OF COLORED TROOPS—COMPENSATED EMANCIPATION IN MISSOURI

THE sands of Sumner's second term were fast running out. The election of members of the State Legislature, who were to make a choice of his successor, was to take place in November, 1862. For the only time after he entered the Senate, an organized effort was made, to defeat him. It had been in progress for a year. It first made its appearance, on the occasion already alluded to, when Sumner, in 1861, made his speech, before the State Republican Convention of Massachusetts, advocating emancipation, as our best weapon, against rebellion. The charge persistently made against him was, that he was too extreme, in his advocacy of the rights of the colored people, that he was aggravating the situation of the nation and prolonging the war, by goading the slave-owners into more desperate efforts to destroy the Union. It was charged that he was second only to Jefferson Davis, in the work of destruction of the Union and his defeat was urged as necessary, if the country was to be saved. It was said, that the last session of Congress had been consumed with measures, for the relief of colored people, while the rights of our white citizens were neglected.

This opposition to Sumner served the purpose of arousing his friends to activity. No man perhaps ever lived, in Massachusetts, who had so many friends, among intelligent men, of all classes. Among them were such people as editors of country newspapers, teachers and ministers, the members of the old abolition parties, scholars and writers, who cared nothing for office, for themselves. Many of them had been associated with him, in the early anti-slavery days, and had ever since kept pace with the work; others had been converted to these views by later events; most of them had followed his course, in the Senate, with interest and many of them had been readers of his speeches. Such men made a powerful following for any statesman, when they were once thoroughly aroused. Events now happening were sufficient to awaken a watchfulness, in every lover of his country. It was a time of intense interest, even

bitterness, of political opinions. These friends were not willing to see Sumner defeated, without an effort. The attempt to do this aroused, to activity, an element hardly known to exist, in its intensity, till the occasion for it appeared.

A fight had also been made, early in the summer, to defeat the renomination of John A. Andrew for Governor, on much the same ground as had been taken against Sumner. The Republican State Convention met at Worcester, on September tenth. Andrew was renominated, by acclamation. J. Q. A. Griffin of Charlestown introduced two resolutions, one proposing the extermination of slavery and another approving the course of the two Senators and "commending Sumner to the suffrages of his fellow citizens, whom he had served so well, that the Commonwealth might again honor itself, by returning to duty, at the Capitol, a statesman, a scholar, a patriot, and a man, of whom any republic, in any age, might be proud." These were strong words of indorsement. Certainly too strong to suit the taste of men, who were prepared to compass his defeat. Griffin had been chosen to lead the Sumner forces, on the floor of the convention. He was a young man, thirty-six years of age, but of rare ability to catch the current of a popular convention and to lead its deliberations,—an able speaker and an enthusiastic worker. The opposition to Sumner was led, by R. H. Dana, Jr., then United States District Attorney, whose appointment Sumner had furthered and, with whose family, he had always sustained relations of friendship. Dana moved as a substitute a resolution simply indorsing the course of the Administration in the prosecution of the war; and supported his substitute, by a speech deprecating the anticipation of the work of the Legislature, whose duty it was to choose Sumner's successor. Griffin followed him, in a trenchant speech, in which Dana was roughly used. Others followed, in the same vein. Griffin's resolutions were referred to a committee, where Dana again opposed them. But the committee reported them, to the convention. Here a motion to amend, by striking out the indorsement of Sumner, was made. But it was voted down; and then the resolutions as reported by the committee indorsing Sumner were unanimously adopted. With this, the effort, within the party, to defeat Sumner ended.

But as Horace Greeley expressed it, the bitterness, with which Sumner was hated, insisted on having the gratification of a canvass, even though a hopeless one and, "since there was no existing party, by which this could be attempted, without manifest futility, one was organized for the purpose." The two distinct issues presented, by the resolutions, were, the extermination of

slavery, and the re-election of Sumner. The party, committed to the re-election of Sumner, was of necessity committed to the extermination of slavery. Sumner, more than a year before, had committed himself to emancipation and had now by hard fighting brought his party, in the State, up to the same position and both were now firmly committed, by the platform. Massachusetts never receded from it. In the last months of his life, looking back over his career, meditating on life and its hardships and the inconstancy of men, Sumner consoled himself, with this thought; "There is one satisfaction which cannot be taken from me," he wrote. "I have tried to do my duty and to advance humanity, keeping Massachusetts foremost in what is just and magnanimous. When I am dead this will not be denied." And could he not have uttered that sentiment at the close of this Republican Convention? Only twelve months before he had pleaded earnestly, before these Republicans, for emancipation, as the best weapon. But in vain! The Convention would adopt no such resolution. Sumner went to the people with his plea and labored on and he convinced them. Now the Convention had advanced to his position and indorsed it and indorsed him. But the Nation had not yet advanced that far. He was "keeping Massachusetts foremost."

The Democratic party had fared so badly, in the recent elections in Massachusetts, that opposition by it would be a confession of defeat. It was hoped elements could be induced to join a new organization, that could not be induced to join the Democrats and that, all the opposition being united, there would be a hope of success. The movers were opposed to emancipation, but they were much more opposed to the re-election of Sumner; and it was the latter they especially wished to defeat. The various elements of opposition to Sumner and emancipation crystallized, in a call for a "People's Convention," to be held in Faneuil Hall, Boston, on October seventh.

But before this convention could be held, other events had happened which placed a different aspect, on the situation. On the seventeenth of September, the bloody battle of Antietam was fought. The Northern armies remained in possession of the field, and claimed the victory. President Lincoln had been meditating emancipation and had prepared a draft of his Proclamation. He had been repeatedly urged to issue such a proclamation, but had never been brought to believe that the time had come. Just when he came to the determination, in his own mind, that he would issue it, is uncertain. But he did not wish to issue it, while the fortunes of the war appeared against us. In homely, but vigorous English, he has himself described

how at last he came to issue it when he did: "When Lee came over the Potomac," he said, "I made a resolve that, if McClellan drove him back, I would send the proclamation after him. The battle of Antietam was fought Wednesday, but I could not find out till Saturday, whether we had won a victory or lost a battle. It was then too late to issue it that day, and on Sunday I fixed it up a little, and on Monday I let them have it."

At last, Sumner and Massachusetts and the President were in harmony, upon the great question of emancipation. And though the Proclamation did not come as Sumner wished, it can fairly be said, it came, as soon as the country was prepared for it. He was right when he insisted that slavery was wrong and should be abolished; but it was a monster evil that had grown, with the growth of the country, until it had reached mammoth proportions and could not carelessly at any moment be plucked up by the roots. Sumner's great agitation of the question was the work of a reformer and it bore the fruit of substantial and permanent success, when at last it was gathered.

While he watched Sumner cultivating it, Lincoln had been carefully looking for the harvest time. He saw the tide had been setting against him, because emancipation was not declared. In 1861, the line of party had been almost wiped out, in the determination of loyal people, both Democrats and Republicans, to support the war for the Union. This year a large number of Members of Congress were to be elected and it was vital, for the Administration, to have the Republican majority of the House maintained. Congress controlled the appropriations and, by withholding money necessary for the prosecution of the war, could dictate, in large measure, the policy of the Administration. The Democratic Conventions of Ohio, Pennsylvania, Indiana and Illinois had declared against the policy of the Republicans for emancipation and demanded that the war be conducted for the preservation of the Union alone. They declared that a war for the abolition of slavery could not have their support. The Democrats of other States followed their lead, as bitter in fact, but more diplomatic in expression. They were entering into the campaign, with a will, and with many promises of success before them. The anti-slavery work of Congress had gone far enough to arouse the bitter hostility of Democrats, who were not committed to the prosecution of the war, but not far enough to deal an effective blow against slavery; far enough to awaken every element of bitter opposition North and South, but not far enough to awaken any en-

thusiasm among Republicans. The Administration had so far only pursued a partial policy, where it was exposed to all the dangers of a reaction of public opinion. Lincoln was too clear sighted a politician not to appreciate the dangers of such a position. He determined to lay before the people the choice between Union and slavery and place them where voters would be persuaded that both could not survive, that one or the other must perish. With a great cause to work for, and a battle cry worthy of the struggle they were compelled to make, Republicans would be encouraged to work.

The proclamation was issued two weeks before the date fixed "for the People's Convention." The Republicans, now thoroughly aroused to the situation and convinced of the importance of the return of Sumner to the Senate, urged him to take the stump. This he did, speaking in a dozen or more places in the State, during the campaign. A meeting was arranged for Faneuil Hall, Boston, at noon of October sixth, the day before the convention of the "People's" party, called to be held at the same place. The hour of Sumner's meeting was fixed at noon, so as to secure the attendance of the business men of the city. The hall was filled to overflowing.

Referring to the criticisms that had been made of him, for his policy of emancipation, he said that they had now become of little consequence, for even if he was once alone, he was no longer so; for with him were now arrayed the loyal multitudes of the North, and that they were all on the side of the President. If he were criticised once, for being hostile to the Administration, he could be no longer, for the President had proclaimed emancipation. To criticise him, therefore, and the platform of his party, in Massachusetts, was now to criticise the Administration; for they all stood together.

He insisted that the real object of the war was not to abolish slavery, nor to restore the Constitution as it was; but to put down the Rebellion, that there could be no separation of the States, that such an event would bring interminable chaos. If these States were allowed to go, what could be retained? Who would control the Mississippi River? How could we tolerate on our borders a malignant slave empire? We must study the disease and its cause and apply the cure, not hesitatingly, but vigorously. The emancipation proclaimed by the President was a war measure adopted by him, as Commander-in-Chief of the armies, for the suppression of armed public enemies.

Without emancipation, all our efforts would be in vain. It was not enough to beat armies. Rebel communities envenomed against the Union would have to be restored and the South

quieted. This could only be done, by removing the disturbing cause. Slavery was the disease and it must be extirpated by the knife and by fire, so that the healthful operations of the national life could be regained. This could not be accomplished by force alone. A people defeated, on the battlefield alone, will remain sullen and revengeful, ready for another rebellion. To trample down the Rebellion, you must trample down slavery. To end the war otherwise, is to end it in appearance only, not in reality. "Time will be gained for new efforts, and slavery will coil itself to spring again."

Emancipation was the right of the slaves and we could not expect the favor of a just God upon us while we did wrong by refusing them freedom. Having now been proclaimed as a war measure, it should be sustained, as the army, in the field, is sustained. If we did this, European nations could no longer be deluded into believing that slavery had nothing to do with the war. It could no longer be said that it was a war for empire on one side and for independence upon the other, and that all generous ideas were on the side of Rebellion. With emancipation before us, there would be no longer talk that separation was inevitable and we were doomed to dismemberment. We would only be fulfilling the wishes of our fathers, the rights of human nature and the declared object of our Revolution. On such an issue, there could be but two parties, the one for the country, with Lincoln, and the other against it, with Davis.

Resolutions sustaining emancipation were read and adopted, at the meeting, with great enthusiasm.

On the next day, October seventh, the "People's Convention" met, in the same Hall. It nominated Charles Devens for Governor and candidates against the others, of the Republicans. The day after this, October eighth, the Democratic Convention met at Worcester and indorsed these nominations of the "People's Convention." The issue was thus made up on the emancipation policy of the Administration and the re-election of Sumner.

Sumner was very active during the campaign, speaking at numerous places, in Massachusetts; at Salem, at Springfield, where the Springfield Republican was opposing his re-election, and at the dinner of Hampshire County Agricultural Society, at Northampton, the only time he ever spoke at a county fair. He was introduced to the Society by Erastus Hopkins, his classmate at the Boston Latin School, who described him as he appeared forty years before: "in height and in breadth as well as in diligence and scholarship, first among equals."

Such men as John G. Whittier, Horace Greeley and Wendell

Phillips took part in the campaign for Sumner. Wendell Phillips declared that he was "the hardest worker Massachusetts had ever sent to the Senate,—patient in labor, untiring in effort, boundless in resources, terribly in earnest,—the only man who, in civil affairs, was to be compared to the great terror of the Union armies, Stonewall Jackson, both idealists, both horsed on an idea, and both men whom, a year before, the drudges of State Street would have denounced as unpractical and impracticable." The result of the campaign, at home, was all that Sumner could wish. In entire harmony among themselves, and with the Administration, having a great stake to play for, the Republicans were successful. They carried Massachusetts by more than 27,000 majority.

The result in other States was disheartening. New York and New Jersey elected Democratic Governors. The President's own State, Illinois, sent a Democratic Senator to Washington. In Ohio, Indiana and Pennsylvania, the Democrats gained largely in Congressmen. In many other States, the Republicans won only by reduced majorities. These States were not prepared for emancipation. Their statesmen had not been as vigorous in public education, as Sumner was in Massachusetts.

In this election, the wisdom of Lincoln again appeared. The losses, in these States, if continued in the other States, would have left him with a Democratic Congress. But he had been tender, in all things, of the rights of the Border States. And, at the last minute, these had saved him this humiliation. There was a decided gain in Congressmen in Missouri, Delaware, Kentucky, West Virginia and Maryland. And they, with the New England States, which stood firm, with California and Oregon; and with Iowa, Kansas and Minnesota, that sent solid Republican delegations, gave their party a majority in Congress. So that the five slave States, which had been saved to the Union, by Lincoln's care, were used by him effectively in overpowering the States in rebellion.

On the fifteenth of January, 1863, the Legislature of Massachusetts met to choose Sumner's successor. The two Houses voted separately. As the roll was called, each member pronounced the name of the candidate he voted for, the result showing that Sumner had two hundred and twenty-seven votes, out of the whole two hundred and seventy-four, in both Houses. In other words he had 227 votes and all the other candidates together had only forty-seven. Josiah G. Abbott had forty-three of these scattering votes, while Caleb Cushing and Charles Francis Adams each had two.

Sumner was in his seat, at the opening of Congress. The

session was destined to be a short and uninteresting one. After the work of the preceding long and laborious session, and the campaign which followed, there was a disposition among Congressmen to wait and see what would be the results of their own work, already done, and of the Proclamation of the President, before reaching out farther. The adverse election, the Republicans had met with in many States, was a caution to them to be careful.

Public interest was being transferred to other scenes. The border States were now considered safe to the Union; the elections there having gone with the Republicans, when other Northern States had not. The desperate battle of Stone River, now remembered as the bloodiest of the whole war, considering the numbers engaged, convinced the Confederacy that Kentucky, at least, was gone beyond recovery. The tide of Southern invasion had been rolled back, from Antietam, with desperate losses and Lee's army, while still threatening Washington, was confined within the recesses of Virginia. The Mississippi River, save for Vicksburg, now invested with Grant's army, flowed unvext to the sea, cutting off to itself and from the Confederacy the greater part of Louisiana, as well as Arkansas and Texas, States which had thus far furnished rich supplies to the new government. Desperate battles had been fought and great victories had been won by the Confederates. Thus far victory had too seldom perched upon the banners of the North. But, upon the whole, the extent of the territory held by the Confederacy was materially reduced and its resources greatly curtailed. But the armies upon both sides were gathering for the death struggle and, the elections having passed, the eyes of the country as well as of Congress, were turned upon them.

As early as May 26, 1862, Sumner had introduced a resolution in the Senate declaring the time had come to ask colored men to enlist in our armies. On the last day of the previous session, the bill became a law, which authorized the President to receive, into the service of the United States, colored troops for the purpose of performing camp service or any other labor, or military or naval service, for which they might be competent. On the sixth of October, in his speech in Faneuil Hall, Sumner had again advocated the enlistment of colored soldiers. On the ninth of February, 1863, he introduced a bill, providing for the enrollment, as soldiers, by the commanding officer, in whose department they might be found, of all colored men, between the ages of eighteen and forty-five, made free, by the laws passed in 1861 and 1862, to confiscate property used for insurrectionary purposes, and to punish treason, by confiscating the

property of rebels, or by the President's Proclamation of Emancipation. It provided for the enlistment of not exceeding three hundred thousand, to be armed and equipped as soldiers and to receive the same rations, clothing and equipments as volunteers. Such a bill did not pass at this session, but it did become a law a year later. In the meantime, Secretary Stanton had gone forward and in several instances, by an order of the War Department, had authorized the enlistment of colored troops, beginning with an order issued August 25, 1862.

A great outcry had been made, in advance, by Southern people and their sympathisers, against the employment of colored troops. It was objected to, as exciting servile insurrection, as barbarous and in violation of the rules of war. But the result justified the wisdom of the action. The first colored regiment that went, from Sumner's State, was the Fifty-fourth Massachusetts, led by Colonel Robert G. Shaw, a brilliant young white officer. The regiment was almost cut to pieces, in an assault upon Fort Wagner, near Charleston, South Carolina, on the eighteenth of July, 1863. Colonel Shaw was shot on the parapet of the Fort, and his body was thrown, by the Confederates, into the common trench, with those of his dead colored troops.

Braver troops never entered the service, and to-day one of the most beautiful memorials, in art, is the *bas-relief*, by Augustus St. Gaudens, erected on Boston Common, in commemoration of this regiment. It stands beneath the elm tree, still living, under which Governor Andrew reviewed, in May, 1863, the regiment, as it marched down Beacon Street, opposite the State House, on its way to the front. It represents the young commander, beside his sturdy troops who, grimly carrying their guns aloft, keep step to the music that marches them forth to fight for their freedom. Over them all, in the figure, floats the death angel, beckoning them on with her right hand, while, in the left, she holds the palm and the poppies, emblems of victory and death.

Sumner took a deep interest in the enlistment of this regiment, and in following its fortunes. He wrote to John Jay, of New York, May, 1863, that if the Seventh New York Regiment would welcome this African regiment, as it passed through that city, it would be an epoch as good as a victory, and the sure herald of many victories and that the Seventh would thereby contribute more to the war than when it hurried to Washington, at the news of the firing upon Fort Sumter. Two months later at the news of their disaster, at Fort Wagner, he wrote that he could not be consoled for the death of Shaw and added the

prediction, now fulfilled, "That death will be sacred in history and in art." Two years later, by an article in the Boston Daily Advertiser, he started the movement for the Shaw Memorial, and himself headed the committee to secure an artist to execute the work, and superintend its erection. To Sumner is given the credit of suggesting the general design of the work. He did not live long enough to see the monument completed. But during the last years of his life he illustrated a debate on the supplementary Civil Rights Bill with these words:

"'Bury him with his niggers,' was the rude order of the Rebel officer, as he flung the precious remains of our admirable Colonel Shaw, into the common trench at Fort Wagner, where he fell, mounting the parapets at the head of colored troops. And so was he buried, lovely in death as in life. The intended insult became an honor. In that common trench the young hero rests, symbolizing the great Equality, for which he died. No Roman monument, with its *Siste, viator*, to the passing traveler, no 'labor of an age in piled stones,' can match in grandeur that simple burial."

The behavior of these troops made a deep impression at the North and did more perhaps than anything else to convince the public that colored troops could fight well, in the line of battle. Though till now they were sparingly enlisted, after this their employment went forward vigorously. So that, in the battle of Nashville alone, it was estimated that twenty-five per cent. of the loss of the Union army fell upon the negro division. And between 1863 and 1865, one hundred and eighty thousand of them enlisted under the Union flag. While the South denounced their employment, early in the war, and punished their white officers, if taken prisoners, with death, as inciters of servile insurrection; before the close of the war the opinion of the South also changed. General Lee repeatedly urged their enlistment; but not till among the very last general orders was their recruiting ordered. It was then too late to help the South, but not too late to give emphatic endorsement of the merit of such troops.

During a debate at this session of Congress over a bill for the gradual emancipation of the slaves of Missouri, Sumner was taunted by Senator Powell of Kentucky, with desiring these negroes to be freed "so that Governor Andrew could recruit there to fill up the Massachusetts quota." To which Sumner replied that he "would have a musket put in the hands of every one of these negroes in Missouri."

Notwithstanding President Lincoln's Proclamation, the subject of Emancipation still continued an important and difficult

question for the solution of Congress. His Proclamation only emancipated the slaves in the States which were in rebellion. But slavery still continued to exist in the border States, Delaware, Maryland, Kentucky, Missouri and Western Virginia, notwithstanding the Proclamation of Emancipation. It was proposed to free the slaves in these States by compensating the owners of them; and thus secure emancipation in all the States.

Sumner was not opposed to compensated emancipation. He had already voted for it in the case of the District of Columbia. It was a method of dealing with slavery in the Border States which President Lincoln had much at heart. But Sumner was not greatly in favor of it; and, indeed, it was not very popular with Congress. This bill had been introduced in the House, by Noell, of Missouri, and it provided that the Government would apply ten million dollars to aid in the emancipation of all the slaves of Missouri, upon the passage of a bill for that purpose, irrepealable except by the consent of the United States. This bill passed the House. In the Senate it was referred to the Judiciary Committee, which reported a substitute, providing for "the *gradual* or immediate emancipation of all slaves in Missouri, to take effect, on some day, not later than July fourth, 1876. If it took effect before July fourth, 1865, the amount to be appropriated, by the Government, was to be twenty million dollars, if after that date ten million dollars. The amount appropriated, however, was not in any event to exceed three hundred dollars for each slave thus emancipated.

Sumner was opposed to the three-hundred-dollar limit. He thought it was too large and should not exceed two hundred dollars. But he was especially opposed to the *gradual* feature of the bill. He contended that it was a war measure and, to provide that it should not take effect for ten or twenty years, was to his mind ridiculous. For the sake of the country as well as Missouri and for the sake of every slave, Abolition should be completed, at the earliest possible moment. The bill provided for a certain sum, if it took effect in two years and a certain other sum if it took effect in thirteen years. He was opposed to any such alternative. He wished it to take effect at once so that he might see the benefit of it and have it felt in the suppression of the Rebellion. For such a sum we ought to expect something very positive to be done for the ending of the war. He could not see any good to result by allowing emancipation to drag through all these years, with the possibility of reaction and the certainty of controversy through the whole time.

"What is done in war," he said, "must be done promptly,

except, perhaps, under the policy of defence. Gradualism is delay and delay is the betrayal of victory. If you would be triumphant, strike quickly, let your blows be felt at once, without notice or premonition, and especially without time for resistance or debate. Time deserts all who do not appreciate its value. Strike promptly, and time becomes your invaluable ally; strike slowly, gradually, prospectively, and time goes over to the enemy."

Sumner moved to amend the bill, by substituting two hundred dollars, for three hundred, as the limit to be paid for each slave. This amendment was adopted. He also moved to substitute 1864 for 1876 so that the act should go into operation on July fourth 1864. This motion was lost. He then moved to strike out the word "*gradual*" so that the money should be paid only on immediate emancipation. He was opposed to a gradual war measure. This motion too was lost. The bill then came on for passage with the *gradual* emancipation feature in it. Sumner voted for it declaring that he only did so, knowing it would go back to the House, where it could be amended, so as to leave out these unnatural provisions. The bill went back to the House, but was lost in the rush of business, incident to the closing hours of the session. The whole subject of compensated emancipation soon disappeared, in the comprehensive destruction of slavery, by the Thirteenth Amendment of the Constitution.

## CHAPTER XXIX

### DANGERS FROM ENGLAND AND FRANCE—SUMNER'S WORK IN PRESERVING PEACE—CORRESPONDENCE—SPEECH ON FOREIGN RELATIONS—ARTICLE ON FRANKLIN AND SLIDELL IN PARIS

REFERENCE has already been made to one of the really great works that Sumner did for his countrymen, and for which he is entitled to their gratitude, accomplished largely outside of his official life; I refer to his efforts to maintain peace with foreign nations, especially England. This requires some explanation. During the Civil War, our relations with these nations were often strained. With France and England, we were more than once on the very verge of war. It required the utmost patience and forbearance, on the part of the Government, and especially of President Lincoln and his Secretary of State, Mr. Seward, to avert it, owing to the trying position, in which they placed us, with the people. No one upheld the hands of the President and his Secretary, better than Sumner, and next to them, no one is entitled to more of the credit.

The causes of these foreign troubles developed early in the war. The South then had plenty of money. The cotton crop never was so large, up till that time, as in 1860. The sale of this crop, mostly in England, had brought a large sum of ready money to the Southern people. The crop of the next year was only about half so large and this was reduced to one-fifth, for the year 1862. As a consequence, the price of cotton, owing to this reduced production, and the increased difficulty in getting it to market, had advanced from  $11\frac{3}{4}d.$  in Liverpool, in 1861, to  $24\frac{1}{2}d.$  in 1862. It would sell, in Liverpool, for four times its price, in Charleston. The demand for it was great. But equally great was the difficulty of getting it.

Three days after the surrender of Fort Sumter, the President of the Confederacy had authorized the issue of letters of marque and reprisal; and two days later, President Lincoln had proclaimed a blockade of the Southern ports and that privateers, with letters of marque from the Confederacy, would be treated as pirates. Of course, a good deal of this on both sides, was a war on paper. The South found no one to whom to issue her letters of marque, and the North had no navy with

which to enforce the blockade. Both sides hoped the whole affair would end with bluster, and each that it would result in its own government having its own way. While affairs were still in this condition, and before the Minister to England, appointed by President Lincoln, could reach London, where it was hoped he could present the situation of his government and advise delay, until the pacific intentions of Lincoln's administration could be seen and the South have an opportunity to take calmer counsels, England, with unseemly haste, recognized, by public proclamation, the Confederate States as belligerents.

This, of course, added fuel to the flames. Where there was hope before, all was dark now. This right accorded the South by a powerful nation, like England, encouraged her to expect prompt recognition as an independent nation, and, perhaps, intervention. This, the South reasoned, would mean Independence. Belligerent rights gave the South increased facilities for obtaining supplies of war and for recognition. These she energetically used, hoping that before the North could arm herself for the conflict, resistance would be useless.

Nothing was left the North, but to go forward energetically, to prepare for war, and to provide the means to enforce the blockade she had declared. War ships would do this, as well as curtail the exercise of the rights of belligerency, which had been so promptly extended. The energy with which the North met the demand for ships, will be seen when it is remembered that, when Lincoln was inaugurated, the United States had but one single vessel in a Northern port fit for aggressive operations. By the end of 1863, she had six hundred, which was increased to seven hundred, before the war closed. As an illustration of how rapidly this work was done, it may be stated, that one contractor, James B. Eads, furnished finished, in less than one hundred days, eight ships of an aggregate of five thousand tons burden. Yet when the contract was taken, the timber had to be cut from the woods and the machinery made with which to manufacture the armor.

This powerful navy, thus created, was manned by brave and capable men, loyal to their flag and ambitious to distinguish themselves in its service. It promptly grappled with the work of enforcing the blockade and of closing the ports of the South, so as to prevent all trade with Europe. This trade was immensely profitable, in the early years of the war, when the South had cotton to sell and money with which to buy supplies. It is estimated that the profits on a single cargo of cotton goods to the South with the return cargo of cotton, owing to the great difference of prices, between Charleston and Liverpool would

more than repay the cost of construction of the best steamer, and the expenses of the voyage. The trade opened a great field for enterprise, and encouraged by the attitude of their home governments towards the North, with their friendship for the South, European shipping rushed into the business. Blockade running became, for the time, of wonderful extent. To facilitate it, depots of supplies were established at neighboring friendly ports, such as Nassau, on one of the Bahama Islands, near the coast of Florida. Here goods could be carried and landed, in large quantities, with perfect safety to the vessel, from risk of capture, and, a favorable opportunity being watched, they could thence be carried, in poorer and smaller vessels, into Southern ports. If the last transit could be prevented, of course, the business would be destroyed. It was as important for the North to break it up, as it was to destroy the supplies of the Confederate armies or to capture their guns. Indeed, these guns when captured were often found to be made in England, or other parts of Europe.

How well the Northern navy did its work, is seen, when we remember that more than seven hundred British vessels alone were sunk by it during the war. These were mostly vessels engaged in this contraband trade. Their owners were in sympathy with the South and were favorable to her success; and the destruction of their ships, even though engaged in this business, awakened a deep-seated animosity towards the North, that easily found its expression, and its influence, at home. The number of these ship-owners was large, but the number affected by the destruction of the ships, those who built them, repaired them, supplied them and were in different ways related to them, was larger still. It was a powerful influence against the Union. It united against the North the aristocratic classes of England, in large measure her governing classes, whose sympathies went out to the South rather than to their more democratic brethren of the North. It was soon seen that the active portion of the British nation was against the North.

Mr. Seward with some bitterness recorded the feeling, when he said: "It is indeed manifest in the tone of the speeches, as well as in the general tenor of popular discussion, that neither the responsible ministers, nor the House of Commons, nor the active portion of the people of Great Britain sympathize with this Government, and hope, or even wish, for its success in suppressing the insurrection; and that on the contrary the whole British nation, speaking practically, desire and expect the dismemberment of the Republic."

The transition from sentiments to open acts of hostility was easy. The building and arming and equipment, in England, of men-of-war to be used in the service of the South, tended strongly to inflame the feeling of the Northern States. The *Florida* and the *Alabama* were both built at Liverpool in 1862 and were both sunk, in 1864, after two years of destructive service, in the Confederate cause. With British crews, and gunners trained in the English navy, drawing all their supplies from England and never entering a Rebel port, they captured, robbed and burnt Union property, wherever it could be taken. Their depredations excited a bitter feeling, in the North, which was never satisfied till the damages were assessed by the Geneva award, in 1872, and, subsequently, paid by England. The building of two more powerful iron-clad vessels at Liverpool, in 1863, since known as the "Rebel Rams," for similar service, aroused the feeling to such an extent that it was openly declared that war would ensue if they were permitted to sail. But the victories of Gettysburg and Vicksburg, with the retreat of one Confederate army and the surrender of the other, fortunately for both sides, disclosed to England, the true condition of the Confederacy, and the Rams never sailed.

The *Trent* affair, where Mason and Slidell, two emissaries of the Confederate government accredited respectively to England and France were unlawfully taken, from a British vessel, by a Northern ship and afterwards given up, has already been mentioned. These with other causes of feeling, all too numerous, were drawing the nations far apart and threatening war.

But in all this picture, the part taken by the good Queen of England and her laboring classes, especially the operatives of the cotton mills of Manchester, who were sorely pressed by the conditions the war placed on their labor, should never be forgotten. They remained steadfastly the friends of the North. The Queen, less blinded, perhaps, by too close contact with details, saw from her high position, with true womanly instinct, the meaning of the struggle with slavery, far more clearly than some of her Ministers, notably Lord John Russell, her secretary of Foreign Affairs, and Mr. Gladstone, her Chancellor of the Exchequer. The plain people, to their credit be it said, are generally for liberty and against slavery. In this case fortunately for us, they had as their leaders such men as John Bright and Richard Cobden and some too among the nobility as the Duke and Duchess of Argyll. But the situation in England was full of danger.

In France, our prospects were hardly less threatening. While she did not permit blockade running under her flag, she

did accord to the South the rights of belligerency, on the ocean, so that without a single open port, the Confederacy enjoyed immunity for her vessels, as lawful cruisers and allowed all, who could, to furnish her supplies and munitions of war. Considering the time also propitious, she made a pretext for war with our sister Republic of Mexico, in concurrence with England and Spain. The latter two very soon withdrew, but France continued her aggression, to the point of an armed invasion, with an attempt to make the Archduke Maximilian of Austria the Emperor of Mexico. This was in direct contravention of all the ancient precedents of the United States, designated as the Monroe doctrine, against the extension of European dominion, upon this continent. It would not have been attempted, but for the dire extremity, in which our fortune was placed, in 1862-3.

A persistent effort was also made, by the French Emperor, to mediate, in the struggle between the North and the South. He proposed to England and Russia to unite with him, in this tender, accompanying it, with a proposition for an armistice, for six months, during which every act of war should cease! England and Russia, however, better informed, declined the part proposed. The offer was promptly rejected by President Lincoln; and by solemn resolution, of both Houses of Congress, it was attributed to a "misunderstanding" of the real question at issue and the character of the war. Congress declared that a repetition of the offer would be considered "an unfriendly act." It could have no other effect than to encourage the South and was construed with the reception of the agents of the Confederacy, at the Tuileries and Fontainebleau, as an attempt to aid the Rebellion. The resolutions were drafted, by Sumner, and were adopted by large majorities, in the Senate and House, and then sent, as they provided, to our Ministers abroad to be communicated to the governments, to which they were accredited. Lieber declared that they did not sound like resolutions, but as a proclamation, by the people, through their representatives, "as if America herself had said it, her left hand on her sword, her right stretched forward to the multitude of nations."

The influence of such acts upon the people of the North can be readily imagined. The feeling was that our treatment, by these powers, in such a crisis, was not fair; that instead of upholding a people, in its effort to create a slave nation, their influence should be cast in the scale of humanity and for the North; or if that could not be, that they should at least maintain an attitude of neutrality, in fact. The constant recurrence,

of evidence of a different spirit, developed a strong feeling, in the North, against the offending nations. Northern merchants could not see their vessels sunk and their cargoes destroyed, by freebooting vessels, of other professedly neutral nations, without an outraged sense of their wrongs. They cried loudly for redress. Soldiers declared they were as ready to fight their secret enemies, who furnished guns, as their open enemies who used them. There was a strong war feeling developed against both England and France, especially against England. A war, with either of them, in our then trying situation, would have been dangerous.

In explanation of the conduct of England and France, it can be said that their governing classes, their nobility and landed gentry, feared the tendency of democratic institutions. The entire absence in the United States of hereditary rank and of primogeniture, which played so great part in maintaining the position of their upper classes, was an example which they would gladly have seen removed. The people they thought had too much part in our institutions. They had been taught to believe that such a form of government could not be permanent. When the Rebellion came, it was, therefore, not unexpected to them. They had anticipated some such result as the outcome of an attempt of popular government. They believed it was only the natural and expected falling apart of the nation and that the South would ultimately succeed. The moral aspect of the question, the overthrow of slavery, they had overlooked. Indeed this was not surprising; for the Administration, the North itself, in the early period of the war had kept it in the background. Lincoln's paramount wish was to save the Union and it was not his purpose, at first, to disturb slavery, where it already existed. He hoped, by assuring the South of this, to secure her early return to the Union.

The events, that aroused Europe to the true meaning of the war, were, first, the Proclamation of Emancipation and, second, the victories of Gettysburg and Vicksburg. The first came after the bloody battle of Antietam, in September, 1862 and the second came, in July, 1863, and both long after the opening of the war. The one by a national act proclaimed the anti-slavery character of the war for the Union; the other, by sweeping and decisive victories, announced, in unmistakable terms, the determination of the North and the hopeless character of the struggle of the South. Then European sympathy for the South quickly fell away; the tide turned toward the North and the danger of a foreign war disappeared.

The real danger to the Union, from abroad, was before this,

and it was then that the good work of its friends was done. Sumner's correspondence, till then, had been, with his European acquaintances, merely a friendly one. But he had kept up and extended his friendships and his views were well-known upon the question of slavery and the danger it threatened, to the Republic. His visit to Europe in 1857 when in search of health, after the assault by Brooks, had drawn the attention of his friends to the subject. His visit to John Bright at Llandudno had led to a mutual regard and a correspondence. He became our most powerful advocate in Great Britain. He was an orator of the first rank, of sturdy common sense and so perfectly fearless that Cobden wrote of him that "he rather liked to battle with the long odds against him." He knew the resources of the North as compared with those of the South and, when Gladstone prophesied victory for the Rebellion and declared that Jefferson Davis had made both an army and a navy and, what was greater than either, a nation, Bright sturdily pronounced it a vile speech and eloquently predicted that the Nation would come out of the struggle, "one people and one language and one law and one faith and, over all that wide continent, the home of freedom and a refuge for the oppressed of every race and of every clime."

During the whole struggle, Sumner kept closely in touch with Bright; they exchanged frequent and long letters, communicated their private opinions and each conveyed to the other prophecies of probable future steps of their own governments. The letters to Sumner when received were often conveyed by him to President Lincoln by whom they were read and their contents discussed and sometimes they were laid before the Cabinet. The influence for good of John Bright and Sumner in molding and influencing the sentiment of their two countries and holding each back from rash steps, that too certainly would have led to war, cannot now be overestimated. The debt of gratitude we owe to John Bright should never be forgotten. In Parliament and on the platform and privately in well directed speech, in influential circles, and elsewhere, he towered the leader of the plain people of Great Britain, for freedom and against slavery, for national unity and well-being, in a great crisis.

In another class, Sumner's influence reached the Duke and Duchess of Argyll. Among the earliest of Sumner's English friends will be remembered Lord Morpeth, later Earl Carlyle, whom Sumner met in England on his first visit and later in Boston, while travelling in America. The Duchess of Argyll was his niece, the daughter of his sister the Duchess of Suther-

land. This family became Sumner's warm friends and admirers and took a deep interest, in his public career. He corresponded with the Duchess of Argyll, all through the period of the war, and her letters are full of expressions of sympathy, for the Union cause and of fervent piety and trust. She was of a deeply religious character and could have no sympathy with human slavery. She earnestly hoped for its extinction. Her husband, the Duke of Argyll was, during the war, the Keeper of the Privy Seal and, therefore, a member of Queen Victoria's Cabinet. Besides reading the letters of Sumner and the Duchess he also wrote occasionally to Sumner. Though guarded in his letters, they show that he did not mistake the character of the struggle. Sumner earnestly pressed upon them his views, his confidence in the ultimate triumph of the North and he urged upon them earnestly, their duty to keep England true to the moral side of the question. He wrote to her, April 7, 1863, "Remember, my dear friend, I am no idolater of the Union; I have never put our cause on this ground. But I hate slavery; and never, through any action or non-action of mine shall a new slave-empire be allowed to come into being, to insult God and man." Though she doubted the success of his cause, her answer was: "My hope and prayer is that you may come out of the fiery trial stronger, freer, happier than before."

These are not the only correspondents Sumner had in Europe during this period. I use them only as illustrations of his work, in this direction. Among others could be mentioned, W. E. Foster and Richard Cobden, among members of Parliament. The latter wrote: "It is nothing but your great power that has kept the hands of Europe off you." He had a large acquaintance and he corresponded with many others. He knew personally Earl Russell, the Secretary for Foreign Affairs and Mr. Gladstone, the Chancellor of the Exchequer, who attained prominence, as representatives in the English Cabinet, of the element, in Great Britain, favorable to the South. He kept in touch with them, read their speeches, studied their conduct and noted English newspaper comment upon it. Sumner's position as Chairman of the Committee on Foreign Relations, in the Senate, gave added weight to his opinions in England, where his abilities were well-known. He was understood as standing near to President Lincoln's administration, and his letters were looked to, as foreshadowing action, that would probably be taken by the North, and as explaining her feeling towards England. Sumner's peace principles were well-known and it was readily seen from his letters, that he looked beyond any mere personal considerations, and to the real well-being of

both nations, in deprecating action by either that might lead to war. While he frankly told England, in 1861-2, she was writing a sorry chapter, in her history, the letters of his friends revealed that she was not all for the South, that there was a powerful influence there still, for the North, and this revelation counselled and encouraged patience.

Sumner was convinced, during the earlier years of the war, that its anti-slavery character was not properly understood, in England, and in his letters to correct this impression, he was unwearied, in pressing the moral side of the question, upon his correspondents. He insisted with earnestness that slavery caused the war, that slavery alone maintained it, that England, after all her work for emancipation, could not ignore her national position upon this question, and unite with the South, in creating and introducing, into the family of nations, a new power, whose chief cornerstone was slavery. He scouted the idea maintained by English Southern sympathizers that it was a struggle, like so many of the old world and of the new too, in the American Revolution, for extension of territory, upon the one side and for independence on the other. He solemnly warned them, that there was a right and a wrong to the question, that God had His side and He could not be ignored, that though they might attempt it, sooner or later He would be heard. It was this idea, thoroughly possessing the minds of such men as John Bright that gave them the influence they had, in their speeches, to hold back the hand of England from decisive action, for the South.

Sumner deprecated strongly the action of the English government, in permitting the *Florida* and the *Alabama*, to be built, and manned and provisioned in England, and to go forth to their harvest of destruction. When the Rebel Rams were known to be building, at Liverpool, ostensibly for China, but in reality for the South, he wrote earnestly, to prevent their being permitted to sail. He insisted that while others thought differently, he had never considered the affair of the *Trent* a cause for war, but, with these Rams, the case was otherwise. If they were to be permitted to sail, to sweep American commerce from the sea, nothing could hold back the dread day of a war with England. If our commerce went, hers would go next, our nation would retaliate, that much as he had sought to preserve peace, between the two countries, any hand would be powerless to stay the flood, if those ships were permitted to sail, that he knew the temper of the President and of every member of his Cabinet, upon this question, and much as he hoped for peace, he must agree with them that war would then be the only alternative.

Sumner held up, before his English friends, the condition of our resources, as compared with those of the South. While they were obliged to depend upon foreign countries for supplies, we were making arms faster than we needed them. He pointed out that our credit was good, our bonds meeting with ready sale and our Secretary of the Treasury having no difficulties to meet the requirements of the situation. While Southern fields were abandoned and Southern armies depleted by the course of the war, our industries went on the same as ever, business was active, travel was great, incomes large and the country marching forward; that we were reminded, with sadness, by the funerals of our dead and the appearance of wounded soldiers, upon our streets, of the wrongs of slavery, for which we were suffering, still our armies were easily kept up to the requirements in number, were well fed, well clothed, in good spirits and, notwithstanding temporary reverses, had absolute confidence in our ultimate triumph.

During the early months of 1863, Sumner had been asked to address the Young Men's Republican Union of New York City, on our Foreign Relations. The sympathy for the South continued unabated in both France and England. No overt act of war was committed, professions of neutrality were still made; but rumors of mediation continued, notice of a motion, for the recognition of the Confederacy, had been given in the English House of Commons; this notice was renewed; it was followed by the presentation and debate, upon a petition for negotiations to be opened with the great powers of Europe, for a joint recognition of the independence of the Confederate States; the *Florida* and the *Alabama* still followed their career of destruction, upon the seas; the work on the Rebel Rams progressed and neared completion; and the English Government, in answer to the protest of our Minister, Mr. Adams, was insisting upon its inability to interfere, in any way, with the work on these vessels or their sailing. Mr. Adams, in answer, represented that the failure to do so would mean war, that, whatever might be the professions of neutrality, to permit a public enemy to fit out and provision and man such ships, on professedly neutral territory, made such a neutral a party to the war. It was during the happening of such events that Sumner wrote the Young Men's Republican Union, the last of August, fixing September tenth as the time for his address.

The speech came, at a crisis, in our affairs, with England. David Dudley Field, the chairman of the meeting, in introducing the speaker, said: "At no former period in the history of the country has the condition of its foreign relations been so

important and so critical as it is at this moment." The permission of the Rebel Rams to sail, one of which had been coaled, ready for her voyage, was expected to precipitate the conflict. Sumner felt he had exhausted his power to avert it, by means of correspondence. He hoped, at the last moment, by this means, to avert the threatened calamity. His plan was to obtain a full hearing with the English Cabinet, to most of whom he was personally known, and still stay their hand or, if that could not be done, and the war came, to place before the world, in plain and dispassionate terms, the justification of our course and the inconsistent position of England. The merits of the controversy were also imperfectly understood, at home. While there had been much discussion of it, in the North, it was thought well to have the whole case presented, in compact form, so that it would be understood. No one, from his position, was better qualified to do this, than the Chairman of the Committee, on Foreign Relations of the Senate.

The address was delivered, in the great hall of Cooper Institute, of New York, which had been the scene of so many memorable occasions in oratory. As soon as the doors were opened, the vast room was filled, its seats, aisles, lobbies and platform, with an audience, numbering not less than three thousand people while others, for want of being able to gain an entrance, were turned away. There were gathered the acknowledged representatives of the intelligence, wealth and influence of the metropolis. From early evening, till eleven at night, the great audience listened attentively to his address, frequently interrupting the speaker, with applause and cheers, as he covered the ground of our troubles with England and France.

Three newspapers in New York and two of Boston published the speech entire, in their columns, the next day, notwithstanding its length. The Times, of New York, gave up half the surface of the day's issue to it, owing to the national importance of the subject, the speaker's intimate knowledge of it, and "his relations with some of the foremost publicists of England and France." A large edition of it was printed and circulated, by the Union, under whose auspices it was delivered, and copies of it were sent to our Consul at Liverpool to be distributed to each member of the Cabinet and Parliament of England. It was also reprinted in France, in an abridged form, and was largely commented upon in the newspapers of the three countries. When it reached England, Earl Russell was on a visit to Scotland. He took occasion, at a public dinner, to refer to it and to answer some of its parts. In one English paper,

Sumner was spoken of as the mouthpiece of the President, in the delivery of it, and the speech as having been read, by him, and the confidential members of his Cabinet, before delivery. This was not true, as neither the President, nor any member of his Cabinet, had read a line of it, before delivery.

It cannot now be questioned that the address was opportune and that it bore good fruit, though at the time some of Sumner's English friends, who felt there had already been too much recrimination, on both sides, objected to its plain expressions. On the side of the United States there had been indignant and angry feeling towards France and England, but without careful knowledge of the facts, or the law, as applicable to them. Sumner was an acknowledged authority on both. Her people had a feeling that their government was too slow in appreciating and resenting the injuries. A frank statement by one in high office, showed them that their rights had not been overlooked and their injuries would not be forgotten. It quieted feeling and restored confidence, in the course of the Administration. On the European side, there was forgetfulness of our rights and apparent indifference, born, perhaps, of the thought, that the hands of the North were already full of trouble. But there was a growing mistrust and a feeling among business men that trouble was near for England, bankers refusing to make loans or extend credits, trade relations narrowed, for fear of war. It was apparent, to thinking people, on this side, that affairs had already progressed so far, that as soon as trouble with the South was over, England would be called upon for redress. It was best for her Cabinet to know the ground of our complaint, so that it could be more cautious, in avoiding future cause for it, and thus allay feeling and strengthen the hands of those, like Sumner, who really wished for a lasting peace.

At the date of the delivery of the speech, it was supposed the departure of the Rebel Rams would not be stopped, by the English Government. As late as September fourth Earl Russell informed Mr. Adams that the testimony against the vessels was insufficient and that they could not interfere with them. But, on September eighth, he wrote that the sailing of the vessels would be stopped. When he spoke, Sumner did not know of this order and feared the vessels would be permitted to sail. He had freely predicted that, if this took place, war against England would be declared. Under the influence of Gettysburg and Vicksburg and the predictions of her best friends, of the consequences of her continuance in the course she was pursuing, England's better nature was beginning to assert itself.

The crisis had passed. The published farewell to London of Mason, the agent of the Confederate government, appeared in the same issue of the newspapers as the reviews of Sumner's speech. Mason realized his presence there could be no longer useful. Slidell, her ambassador to France, never returned to America, but died in London, in 1871. But after his change in the attitude of the English Cabinet, the presence of Confederate ambassadors was no longer dangerous in Europe.

During this same autumn, and in the same vein as this speech, Sumner published in the Atlantic Monthly a "Monograph from an old Note Book." It was a contrast between Benjamin Franklin, the representative of the Colonies and John Slidell, the representative of the Confederacy, at Paris. The purpose of it was to recall the brilliant success of Franklin, sought by all classes, and thus compelling the recognition of princes; and the position of Slidell, supported by the Emperor alone, and by him, only because he feared the example of the Republic. Slidell's reception at the Tuileries had been pointed to, as compared with Franklin's, to prove the strength of the Confederacy abroad. Sumner thought the error of such a comparison should be corrected.

The article as reprinted in Sumner's published works occupies thirty-eight pages, thirty-six of which are devoted to a description of the reception of Franklin, as shown by historical references, and only two, to the reception of Slidell. The great learning of Franklin, with his original investigations, in electricity and the sciences, his strong common sense, his exquisite social qualities, his perfect good nature, his simplicity of manners, his uprightness of soul, which made itself felt in the smallest things, his extreme tolerance, and above all his sweet serenity, changing easily to gayety, caused his acquaintance to be sought for everywhere. The learned societies, without political pretensions, received him as eagerly as statesmen, who were interested in our new problems of government. His ready wit and his profound knowledge of human nature made him as easily felt among Ministers as among the masses. His society was sought for by princes, but he appeared in the Capital of Fashion in the plain clothes of a private citizen, "his flat hair without powder, his round hat, his coat of brown cloth," at the court receptions contrasted strangely with "the bespangled and embroidered dresses, the powdered and perfumed coiffures of the courtiers." Madame Campan, one of the attendants of Marie Antoinette, records that she assisted at one of the elegant *fêtes* given to him "where the most beautiful among three hundred ladies was designated to

place a crown of laurel upon the white head and two kisses upon the cheeks" of the aged American philosopher. When he left to return to America, the Queen sent a litter to bear his sick body gently to the sea; and when he died Mirabeau pronounced a magnificent eulogy upon him and, on his motion, France went into mourning, for him.

Sumner described the meeting of Voltaire with Franklin. The aged dramatist had lived for many years near Geneva, in Switzerland, and had been urged, once more to visit Paris, before he died; and he consented. His journey was a progress. He desired to meet Franklin. The latter brought his little grandson with him and desired Voltaire's benediction. "God and Liberty," said Voltaire, placing his hand upon the child's head, "this is the only benediction, proper for the grandson of Franklin." A few weeks after, they met again at the Academy and were seated side by side, when the distinguished company applauded. Thereupon the old men arose and embraced. "The political triumphs of Franklin and the dramatic triumph of Voltaire caused the exclamation, 'Solon and Sophocles embrace!'" "It was more than this," added Sumner. "It was France and America embracing beneath the benediction of 'God and Liberty.'" And Sumner adds, closing his article, and referring to the reception of Slidell: "The earlier struggle, adopted by the enlightened genius of France was solemnly placed under the benediction of 'God and Liberty.' The present struggle, happily thus far discarded, by that same enlightened genius, can have no other benediction than 'Satan and Slavery.'" So after the extended and graceful description of Franklin in France with this short notice he dismissed John Slidell.

Sumner continued to trace the contrast. The month after the publication of this article, he was invited to attend the annual dinner of the New England Society of New York. The Senate being in session he could not go; for he made it a rule not to leave his post. But he wrote a stirring letter on "The Mayflower and the Slave ship." "Amid all the sorrows of a conflict without precedent," he wrote, "let us hold fast to the consolation that it is in simple obedience to the spirit in which New England was founded that we are now resisting the bloody efforts to raise a wicked power on the corner-stone of Human Slavery, and that as New Englanders we could not do otherwise."

"If such wicked power can be raised on this continent, the Mayflower traversed its wintry sea in vain."

"We remember, too, that another ship crossed at the same

time, buffeting the same sea. It was a Dutch ship, with twenty slaves, who were landed at Jamestown, in Virginia, and became the fatal seed of that slavery which has threatened to overshadow the land. Thus the same ocean, in the same year, bore to the Western Continent the Pilgrim Fathers, consecrated to Human Liberty, and also a cargo of slaves. In the holds of these two ships were the germs of the present direful war, and the simple question now is between the Mayflower and the slave ship. Who that has not forgotten God can doubt the result?"

Slavery, as Sumner saw it, from this early beginning in the country, till its death, at the close of a bloody war, was a prolonged tragedy.

## CHAPTER XXX

### EMANCIPATION—PASSAGE OF XIV AMENDMENT—EQUAL RIGHTS TO COLORED MEN, IN ARMY, ON STREET CARS, IN COURTS— REPEAL OF FUGITIVE SLAVE LAWS—SUMMER'S PERSISTENCY —OTHER MEASURES

As the war went on and defeat for the Confederacy seemed to draw near, new questions presented themselves in Congress. Its Members were not less busy than the soldiers in the field. Those who had been in Congress long enough, like Sumner, to become leaders, had burdens of work and responsibility thrust upon them. Sumner was now in the full tide of his career. He was one of the recognized leaders of the Senate. Strangers visiting that Chamber sought his face among the first. He was one of the pioneers of the new party that now had undisputed control of every department of the Government. His recognized ability, his high treatment of moral questions and his courageous struggle against slavery had brought him the admiration of the plain people. He stood very near to the President who relied upon and trusted him as a personal friend and confidential adviser. They differed, as men will differ often, but as men, each respected the opinions of the other. Sumner was bound to President Lincoln by personal ties, of mutual respect and admiration. Mrs. Lincoln shared her husband's admiration of Sumner's public career and more than once, as we shall have occasion hereafter to see, this friendship revealed itself. Sumner was frequently asked to drive with the President alone and to become one of the President's party, on excursions and at receptions, or in the theatre. Frequently late at night, after the rush of the day's work was over, Sumner visited the President, by appointment, to discuss some pending and important question. This nearness to the President, apparent to a casual observer, increased the responsibilities of Sumner's place. His opinions were sought as reflecting those of the President; his services were valued as being able to influence the administration.

Sumner never sustained the same nearness to any other President. During the Presidencies of Pierce and Buchanan, he was in a small minority of determined opponents of the Administra-

tion. While during the Presidencies of Johnson and Grant, the spirit of harmony, that obtained during the earlier months of each, in the White House, changed to a spirit of active opposition before the close. Johnson soon broke with his party and the Impeachment proceedings estranged him permanently from his Republican friends. In the case of President Grant, his scheme for the annexation of San Domingo was firmly opposed by Sumner. And his subsequent removal from the Chairmanship of the Committee on Foreign Relations, by Grant's friends, in retaliation, completed an estrangement that culminated in Sumner's support of Greeley, the nominee of the Democratic Party, as against Grant, for his second term.

In January, 1864, Sumner introduced in the Senate a resolution for the appointment of a special committee on Slavery and Freedmen, to take into consideration all propositions and papers concerning these subjects, with leave to report, by bill or otherwise. The resolution was adopted and Sumner was made Chairman of the new Committee of seven. It was a committee growing out of questions crowding upon the successful close of the war. While not neglecting other duties, Sumner kept his eye constantly on slavery and the new wards of the Republic who had now acquired their freedom. Being convinced that slavery had caused the war and that there could be no lasting peace between the sections while it continued to exist, he was determined that the war should not close without its complete destruction. The new committee was engaged in the disposition of matters tending to this end. As its chairman, Sumner prepared some important reports, upon bills presented by it, to the Senate. They were prepared with that care and elaboration that characterized his work and are to-day monuments of his industry.

By an amendment to the Appropriation Bill, Sumner secured at this session, the abolition of the coastwise slave trade. Under a statute, passed in 1807, this traffic in slaves had been legalized. Early in the session Sumner had reported from the Committee on Slavery and Freedmen a bill for the prohibition of the traffic in slaves between the States and the transportation of any slave on any vessel, within the jurisdiction of the National Government. Owing to the press of other business, he had not been able to get the bill to a vote. He therefore moved the repeal of the existing statute legalizing such traffic, as an amendment to this appropriation bill. The amendment carried and the coastwise slave trade was thus abolished.

It met with opposition. Sherman and Trumbull, though not opposed to the repeal of the law, were opposed to it when pre-

sented in the form of an amendment to the appropriation bill. But Hendricks in compliment, perhaps unintentional, to Sumner, said: "I am surprised that any Senator should oppose the proposition of the Senator from Massachusetts, for we all know that eventually it will be adopted. The objection to its materiality, or proper connection with the measure, is but an objection of time. No gentleman can question that the Senator from Massachusetts will eventually carry his proposition." But he was opposed to the amendment and with other Democrats voted against it.

Another of Sumner's long struggles against slavery met success at this session of Congress. His early effort for the repeal of the Fugitive Slave Law will be remembered. On the tenth of December, 1863, he gave notice of his intention to offer a bill to repeal all laws on this subject. Pursuant to this notice, on the eighth of February, 1864, he introduced a bill for this purpose and, on his motion it was referred to the committee on Slavery and Freedom. On the 29th of February he reported this bill from the Committee. The accompanying report, recommending its passage and prepared by Sumner, was an exhaustive review of the subject in fifty-one pages covering the history of the legislation from the formation of the Constitution. He gave the argument against the constitutionality of the law. It was bad enough, he said, to thrust an escaped slave back into bondage at any time; it was absurd to do so, at a moment when slavery was rallying all her forces to destroy the Government. A slave that had the courage and address to escape from his master, was needed as a soldier for freedom. In thus withdrawing support from slavery there was a contribution made to emancipation. To repeal these laws encouraged public opinion to sweep the barbarism from the country.

In this report he cited, as an illustration of the cruel working of the law, the case of Margaret Garner, who with her three children had escaped from slavery and had reached Cincinnati, when their flight was arrested. Unwilling to see her children returned to slavery, with a butcher-knife she determined to prevent it, in the only way that lay in her power. She had killed one, an interesting little girl, almost white. To the Christian minister, who interrogated her as to the cause for the deed, she answered: "The child was mine, given to me by God to do the best a mother could by it. I have done the best I could; I would have done more and better for the rest; I knew it was better for them to go home to God than back to slavery." But she was restrained and after the determination of some ques-

tions of jurisdiction, under the fugitive slave law, she with her two children remaining and the dead body of the other, emancipated, were carried back to slavery under an escort of armed men.

The history of this bill furnishes an excellent illustration of the difficulties Sumner encountered and the persistency with which he met them. To record the different steps will serve as an example of what he did both in this and in other instances, when he wished to secure legislation. On March seventh, he asked the Senate to make the bill the order for a future day. This request was granted and the bill was made the order for March ninth. The next day Davis of Kentucky proposed to have another question made the order for the same day. Sumner objected and reminded him that his bill was fixed for that day. Davis said it could wait; Sumner objected. At the appointed time Davis and Hendricks wished a postponement and Sumner consented to let it go over till March sixteenth, Davis saying that he wished to speak on it. From March sixteenth till the eighteenth, it was crowded out by other business. On the eighteenth Davis was still not ready to speak. Sumner then gave notice that he would take every proper occasion to call up the bill and press its consideration. Until April eighteenth, the Senate was occupied with other business, especially the Thirteenth Amendment to the Constitution. On that day Sumner moved to take it up, but the appropriation bill had precedence. On the next day, on his motion, the Senate voted to take it up and having been read three times, without a division and without a word of debate it was ready for passage. Foster, of Connecticut, then wished to be heard. Hendricks spoke against it. Sherman, of Ohio, then declared he was opposed to repealing the law of 1793 and was opposed to the bill as it stood, because it would repeal that law, as well as the law of 1850. He wished therefore to amend it. Finding it had passed this stage, he moved to reconsider the motion ordering it to be engrossed and read the third time. This motion to reconsider was carried. Sherman then moved to amend the bill, by excepting from the repeal the act of 1793. He urged that this law had been held constitutional. Sumner spoke against the exception and pointed out that it had never been suggested to the court, when considering its constitutionality, that this law of 1793 made no provision for the trial of the case of the fugitive slave, by jury, and upon that being pointed out, one of the judges who rendered the decision, had declared he would consider its constitutionality still an open question. Sumner believed they were all alike unconstitutional. Reverdy Johnson

argued that they were all constitutional. Sumner especially regretted Sherman's interference at this late day, when the bill was just ready to be passed and that now after all these years of discussion it should be thought necessary still to discuss it.

Reminding the Senate of his own part against these laws, he said: "Often, in other times, I have discussed these questions in the Senate and before the people; but the time for discussion is passed. And permit me to confess my gladness in this day. I was chosen to the Senate for the first time immediately after the passage of the Act of 1850. By that election, if I received from the people of Massachusetts any special charge, it was to use my best endeavor to secure the repeal of this atrocity. I began the work in the first session I was here. God grant that I may end it to-day!"

The amendment of Sherman carried. Thereupon Saulsbury, of Delaware, moved another amendment, which was lost. Then Conners, of California, declared he was no longer in favor of the bill as thus amended and moved to lay it on the table. Sumner urged him to withdraw his motion and vote for the bill, for the reason that they still got something by it. Conners refused, but his motion to lay on the table was lost. April twentieth the bill was proceeded with, when Foster spoke for it as amended. Brown, of Missouri, spoke and concluded by declaring he could not vote for it, as amended. Still other amendments were proposed; finally the consideration of it was adjourned. Sumner was discouraged to pass it, in that form; and preferred to wait for the action of the House.

On June thirteenth, after much contention, the House passed a bill to repeal all the fugitive slave laws. June fifteenth it came to the Senate and Sumner moved its immediate passage. Hale, of New Hampshire, objected; he wanted the time for other business. Powell moved its reference to the Judiciary Committee. This motion was lost. Sumner moved its reference to the Committee on Slavery and Freedmen; and this carried. Thereupon Sumner, having anticipated such action, and having already obtained authority from the Committee, to report it promptly and without amendment, did so and asked immediate action. But objection was made.

On June twenty-first he moved to take it up and the motion was carried, but after some consideration, the Senate took a recess and it went over. The next day, Sumner moved to take it up again; but the motion was lost. At the evening session he again moved to take it up. Saulsbury thereupon moved to adjourn, with the exclamation: "Let us have one day without the nigger!" His motion was lost. Reverdy Johnson then

asked an adjournment, so Davis, of Kentucky, could speak. Sumner insisted that this business had been postponed again and again for Davis to speak. The motion to proceed was adopted. Then a motion for an executive session was made and debated and lost. Saulsbury moved a postponement; lost. Another motion for an executive session was made and lost. Then another motion to adjourn was made and lost. At last it was agreed that it should be reported without amendment and that Davis should have the opportunity to speak upon it the next day. This he did. Saulsbury moved then to strike out all after the enacting clause; lost. Johnson moved to amend so as to leave out the act of 1793 in force; this too was lost, the Senate thus reversing its former vote. Thereupon the bill was passed. It was approved by President Lincoln June twenty-eighth.

Thus ended the Fugitive Slave Law for the repeal of which Sumner had striven so often and so earnestly.

From this illustration, it will be seen how sternly and persistently he pressed his measures to the front and insisted upon their passage. Defeat never seemed to dishearten him. "Fail, Sir! No honest, earnest effort in a good cause can fail." If defeated to-day he was ready to renew the fight to-morrow. If crowded out then, he would press his measure again as soon as an opportunity offered. He was invulnerable against ridicule or taunt or abuse. He had been abused so much that it may fairly be asked whether he did not, at times, feel a proud pleasure in social ostracism for the sake of measures he firmly believed to be right. Against such persistence as he showed, obstruction was useless. He was sure to wear out the party that undertook to wear him out. He believed these measures against slavery were right and he was ready to strike, and strike hard, and strike on persistently.

But it must be confessed that his persistence sometimes angered his own party associates. Frequently they did not approve the measures he advocated. He strode on faster than they were sometimes prepared to follow, in the direction of equal rights. Yet they were not prepared to go on the record of the Senate as voting against some of these measures.

Take for example his bill for the equal rights of colored people on the street cars of Washington and the District of Columbia. Separate cars had been provided for them. But largely through his instrumentality, clauses were inserted, in some companies' charters, forbidding such a distinction and requiring colored to be accorded the same treatment as white passengers. While this remedied the distinction, under the law, at least upon those lines, it did not as to the others. The exclusion

still continued upon lines not thus restrained, to the inconvenience and sometimes the distress of colored passengers. He therefore persisted until at this session he procured the passage of a law forbidding such distinction upon any line. And when this law was not promptly obeyed, in one instance, he called the attention of the President of the offending Company to it and threatened if the offence was repeated to have its charter forfeited; and in other instances brought the violations to the attention of the District Attorney.

This persistency angered his associates. Powell of Kentucky declared: "The Senator's staple is this fanatical idea. He wants this little hobby to ride through Massachusetts on and to feed a fanatical flame there. He can fool nobody here with this kind of thing. Take the negro out of the Senator's vocabulary and rich as it is, it would be exceedingly barren." His own colleague Wilson was not in sympathy with him and his friends Sherman of Ohio and Trumbull of Illinois and Reverdy Johnson of Maryland all opposed his effort for equal rights in the street cars. But nothing daunted he went on; he had been opposed and abused often enough before, and he was not afraid of it now. He was opposed to all class distinctions and for maintaining the complete equality of all men in civil life and in the use of public service corporations.

But to make this concession in Washington was an unpopular act, especially among the classes with whom Senators mingled. They reasoned, it was a matter of personal comfort, at best, that was directly concerned, though theoretically it might be true, that all men, white and black, should be accorded equal privileges in a public conveyance. They would gladly evade voting upon the question—might vote against it once, as if inadvertently. But he would bring them to the test, again and again, compel them to go on record, till they yielded and supported his measure, unwilling captives to his tactics. But they laid it up against him in personal feeling. It deprived him of their sympathy and good fellowship. When the time came as in the struggle with President Grant, when his removal from the Committee on Foreign Relations was proposed, such things counted against him.

Sumner at this session proposed a measure that was also unpopular among some of his colleagues who desired patronage to maintain themselves in their places. He introduced a bill for the reform of the civil service. With the growth of the country the maintenance of this service had become a duty full of difficulty. The offices to be filled were so numerous and their importance to good service so great that with the limited

opportunities of the Senators for knowledge of the fitness of the applicants, the original design that they should be filled by the President with the advice and consent of the Senate had been outgrown. It had been customary for the President to be governed in appointments by the recommendation of the chief elective officer of the district where the office was. The offices under the "spoils system" went as a reward for party work, without sufficient attention being given to fitness. Even the elective officers, seeing the number of places at their disposal much fewer than the wants of their supporters, found their own positions rendered trying. When General Butler declared that each District ought to have two Congressmen, one to attend to the offices and the other to perform the duties of legislation, he voiced a sentiment that many Congressmen appreciated.

Sumner's bill was offered, on the thirtieth day of April, 1864, and is the first public movement, on this since much vexed but now conceded reform. It proposed the appointment by the President, of a commission composed of three Examiners, appointments to the civil service to be made upon their recommendation, after an examination as to fitness, held in such places as should be designated, by public notice, the rank of the applicant to be assigned according to fitness, as shown by the examination, and after appointment the officer not to be removed, except for good cause shown. The essentials of the plan proposed in this early bill have been adopted in all subsequent legislation, upon the subject. The Civil Service is now one of the permanent branches of the Government.

It was not his purpose to attempt to pass a bill at this session but only to call public attention to it and endeavor to create a sentiment in favor of a needed reform. It was read twice in the Senate and permitted to lie on the table and expire with the Congress. Its purpose was accomplished, however, in attracting attention to the subject and securing its discussion in the newspapers.

At this session he renewed his efforts to have the exclusion of colored witnesses from the United States courts removed. He had sought twice before to have this accomplished, in 1861 and again in 1862. He had already secured the removal of this disability in the District of Columbia. On his motion the bill he introduced for this purpose was referred to the Committee on Slavery and Freedom. Three weeks later it was reported by the committee, accompanied with a carefully prepared report in favor of its passage. This report was prepared by Sumner and occupies forty pages of his Works. It reviewed the condition of the law upon this question in each of the Slave

States, called attention to its eccentricities and discussed the ground on which it is based. He insisted that it was a mere prejudice against persons of a particular color whether slave or free, fruitful of wrongs to the blacks whom it often placed without any legal protection against lawless outrages, and even permitted crimes against white persons to go unpunished. The absurdity of the rule of exclusion was apparent, he urged, when it was remembered that the testimony if admitted, would have to be weighed by white judges and juries, who might reject it, if their prejudice led them to believe that colored witnesses were untrustworthy.

Failing to obtain a hearing for his measure, in any other form, Sumner moved it as an amendment to the Civil Appropriation Bill of the session. Sherman urged him not to do so, after the experience of the night before, which had been spent, in the discussion of an irrelevant matter, with the thermometer at ninety-three degrees. He was sure it would provoke discussion. Other Senators urged him to withdraw it, but he persisted. The amendment was agreed to and, with the appropriation bill, it passed and became a law.

Saulsbury of Delaware was pointed in his opposition to it in the Senate. "I do not wish," he said "to say anything about the 'nigger' aspect of this case. It is here every day, and I suppose it will be here every day for years to come, till the Democratic party comes into power and wipes out all legislation on the Statute books of this character, which I trust in God they will do soon."

Under this amendment, the colored man was made as competent to testify in the United States courts as his white brother. In the slave States, until this time, colored persons were not competent to testify as witnesses.

On the ninth of February, 1864, Sumner read in the Senate a petition of the Woman's National League, for universal emancipation, by act of Congress. Though originally prepared and circulated by women there was a duplicate of it, signed by men. The signers were above the age of eighteen. The petition was arranged by rolls, each roll representing a State, and they came from twenty-four states and Territories. It was called the "Prayer of One Hundred Thousand," because signed by one hundred thousand names. Though memorable for numbers Sumner insisted that it was more memorable for the prayer, in which they united,—nothing less than universal emancipation. So far as it was signed by women, he admitted it was simply a petition. But he added, "there is no reason so strong as the reason of the heart." After reading the prayer of the

petition and some brief remarks, he moved its reference to the Committee on Slavery and Freedom. A debate ensued, but it ended in a reference to the Committee.

Sumner was already committed to universal emancipation, but not by act of Congress. He did not believe that the simple guarantees of a law, passed by Congress and approved by the President, were sufficient. Slavery had for many years entrenched itself behind certain clauses of the Constitution and though he believed that instrument when properly interpreted did not countenance it, he felt that its abolition should be guaranteed by a constitutional amendment, forbidding slavery forever within the national domain. This would place the matter beyond the reach of an act of Congress. It could then be reached only by another amendment submitted, after a two-thirds vote of each House of Congress or the legislatures of two-thirds of the States, to be thereafter ratified by three-fourths of the States. This would not make it incapable of change, but it would make it as incapable of change as any thing could be, under our form of government. It would certainly place it, beyond the reach of the law-making power alone; so that if change were contemplated the States and the people would have to be first consulted. This mode of emancipation would more than satisfy the "prayer of the one hundred thousand."

The first known movement for *constitutional* emancipation had its origin with Sumner himself. On the morning of December second, 1863, he was a passenger on the steamboat, *Empire State*, on Long Island Sound, bound from Fall River to New York, on his way, to the opening of Congress. With him, as a fellow passenger, was Henry C. Wright of Boston, on his way to a meeting of the American Anti-Slavery Society at Philadelphia. In the saloon of the vessel, Sumner sketched to Mr. Wright his plan of emancipation and with his own hand drew up a resolution:

"That the voice of the people is heard through petitions to Congress and this Convention earnestly recommend that this voice be raised in petitions for an Amendment of the Constitution, declaring that slavery shall be forever prohibited within the limits of the United States."

Two days later, this resolution was presented, by Mr. Wright, to the American Anti-Slavery Society and was adopted by it, without a dissenting vote.

On the fourteenth of December, 1863, amendments to the Constitution abolishing slavery were offered in the House by Ashley of Ohio and Wilson of Iowa and on the eleventh of

January following, Henderson, of Missouri, introduced a similar amendment, in the Senate. On February eight Sumner introduced another, in these words:

"Everywhere within the limits of the United States, and of each State and Territory thereof, all persons are equal before the law, so that no person can hold another as slave."

He moved that it be referred to the Committee on Slavery and Freedmen of which he was chairman. Trumbull objected, that it should go to the Judiciary Committee, of which he was Chairman and to which the amendment offered by Henderson had already been referred. Sumner assented, only requesting that the Committee act promptly, in reporting. This was done, for on February tenth, only two days later, Trumbull reported a substitute for the two amendments, in these words:

"Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

"Section 2. Congress shall have power to enforce this article by appropriate legislation."

This is the form, in which it was finally adopted, and as it now stands in the Constitution. But it was not adopted and made a part of the Constitution, for almost a year. A course of many vicissitudes awaited it.

Sumner did not approve the language in which it was expressed and gave notice of a substitute. By two other sections, he proposed to strike out of the Constitution the clauses theretofore alleged to concern slavery; one, the clause in the third paragraph of the second section of article one, concerning the apportionment of Representatives, "which shall be determined by adding to the whole number of free persons including those bound to a service for a term of years three-fifths of all other persons," so that with these words stricken out it should read, "Representatives and direct taxes shall be apportioned among the several States, which may be included in this Union according to their respective numbers, excluding Indians not taxed;" second, all of the third paragraph of the second section of article four, reading, "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." While the words "slave" or "slavery" nowhere appear in the Constitution, these two clauses had been

held to recognize the institution and make valid a fugitive slave law, and he, therefore, would have had them stricken out.

Sumner did not like the words in the amendments as reported by the committee: "except as a punishment for crime whereof the party shall have been duly convicted." He argued that the committee had adopted these words, from the ordinance for the government of the North-West Territory, that there was a reason for them, when then used, because men could then be enslaved, in certain parts of the country, as a punishment for crime and it was not, by that ordinance, proposed to prohibit such a form of punishment. But, he argued that what was struck at here, was slavery as it existed, in the slave States, that what was meant was well known, that the words he wished stricken out were surplusage and created a doubt where there should be none.

Trumbull replied, that the committee upon examination and discussion had adopted these words, that he did not know that he should have done so, but a majority of the committee thought they were the best words, that, at any rate, they would accomplish the purpose and he hoped Sumner would withdraw his objection. It was urged by Howard, a member of the Committee on Slavery and Freedmen, that these good old Anglo-Saxon words, taken from the ordinance of 1787, had been repeatedly adjudicated upon, so that their meaning was well understood, by the public and the courts; and he urged in the appeal to Sumner to waive a mere matter of form, rather than endanger the substance of the amendment. Sumner yielded to their appeals and withdrew his objections, though he afterwards regretted that he had not insisted on striking out the words, giving an implied sanction to slavery as a punishment for crime. He feared they would be made a pretext, for imposition, upon the freedmen of the South. Subsequent events have shown that his fears were not without foundation.

Within the few years following the war, some laws were enacted by the States that had been in rebellion that are interesting in this connection. In Alabama, it was enacted that stubborn and refractory servants, and servants who idled away their time, might be fined fifty dollars and, in default of payment, might be hired out, by public outcry, on three days' notice, for six months. The reader will see, in such a statute, only a studied attempt to reduce the poor, ignorant freedman to slavery, for half the year, as a pretended punishment for crime. In the case of minors whose parents had not the means of supporting them, it was made the duty of the court to apprentice them; and, if the minor was the child of a freedman,

the former owner of the minor was to have the preference. In the city of Mobile, vagrancy was made punishable with confinement to labor not exceeding six months, the labor to be designated by the city officials for the city's benefit. The labor was to be done under the authority of an agent of the city who was to take the persons so sentenced from their confinement, watch them while at labor and return them before sun-down. If the negroes met at night in assemblies to consider such abuses, under another statute they might be sentenced, for attending such an assembly, to pay a fine of fifty dollars and costs or, in default of payment, to work for the city, not exceeding six months. In this way labor was secured to repair the streets, sewers and wharfs, after the ravages of the war. In Florida, the vagrant might be hired out for twelve months by the County Commissioners, at public outcry, and pay the money thus secured into the county treasury, to meet the general expenditures of the county. In Louisiana, a bill was introduced, requiring every freedman to furnish himself a comfortable home and means of support, within twenty days, and on failure to do so, to be arrested and hired out, by public advertisement, for the remainder of the year. If he left his employer's service without consent, he was to be arrested and assigned to labor on some public work, without compensation, till reclaimed. Many other statutes from different States might be given, to illustrate the same tendency.

The purpose of these laws was apparent. The South had failed in its struggle for slavery. But the spirit of the people that maintained the war was unbroken. What they failed to accomplish by arms, they were now willing to do by legislation. These laws were all aimed at the freedmen, who were left poor and ignorant, as the result of two hundred years of bondage. It was now proposed, by systematic legislation, of this character, to reduce them to a condition almost as abject and pitiable as before. Of course they were poor, of course they had no homes; others had gathered where they had sown, during all these years, leaving them, out of the hard measure of their toils, only a bare subsistence. Of course they were ignorant; it had been a crime to teach them to read. Of course they were improvident and could not manage; it had been the law of their lives that others should manage for them and so manage, too, that they should have nothing. Yet the people that had reduced them to this condition now proposed to punish them for being so. It would have been much more to their credit, if pitying the condition of these freedmen, they had sought, in some systematic way, to improve it.

Sumner's experience in the Senate, before the war, had taught him the resourcefulness of Southern statesmen, in legislation. He wished carefully to guard against it, in a matter of so much importance, as an amendment to the Constitution prohibiting slavery. The punishment prescribed in all such acts as enslaved men for a limited time was a qualified form of slavery. Yet it came, ostensibly at least, within the exception that Sumner wished to have stricken out of the Thirteenth Amendment, as proposed by the committee, forbidding slavery "except as a punishment for crime, whereof the party shall have been duly convicted." He would have had it without this exception. But in giving way to the preference of others, as to the form of expression, he said he consoled himself with the thought that, however expressed, the amendment would endure to be read with gratitude.

As to the two clauses that Sumner wished to have stricken out of the Constitution, the first, as to the apportionment of Representatives, was subsequently taken out, by the Fourteenth Amendment, the second, as to the return of fugitives from service, remains in the Constitution.

The joint resolution for the submission of the Amendment passed the Senate, on the eighth day of April, by the necessary two-thirds vote. It was not taken up in the House till the last day of May. A motion was then made to reject it, but this motion failed, after an exciting debate lasting several days. When the vote on the resolution was taken on June fifteenth it failed to receive the necessary two-thirds. Seeing this, at the last moment, Mr. Ashley, one of its strongest advocates, changed his vote so as to be able to move a reconsideration of it. This he did the same day and had his motion entered on the journal, thus holding the resolution in suspense so it could be taken up, in the House, at the next session, and if passed there, not have to be voted on by the Senate. No further action was taken on it, during this session. But President Lincoln in his message to Congress, at the opening of the next session, recommended its reconsideration and passage, adding that the result of the late election showed the people were favorable to it. On January sixth, 1865, it was taken up and the debate on it continued, with some interruption until January thirty-first, when it received the necessary two-thirds vote.

The vote was anticipated and a large audience of members and spectators was present to witness the result. As the call of the roll proceeded, a breath-like silence pervaded the chamber, everyone listening to catch the vote of the Member, as his name was called. All seemed to realize that the question, whether

four million human beings should be restored to their birth-right of freedom, was a great one, which hung on the issue of the hour. The issue had been explicitly stated in the Republican platform, and Lincoln had been elected upon it, by an overwhelming majority. The battle fought over the whole country, at the polls, was now concentrated in this Chamber, for the final issue. True, the Republicans then elected had not yet taken office under that election, but it remained to be seen whether those still occupying these seats would bow to the decree of the people, whose will was to be supreme. Lincoln had plead with them to anticipate the action of the next Congress, that was now assured. He had reminded them of his own Proclamation, carrying freedom to the slaves of the states now in rebellion. With solemn words, he told them that, if it was ever made an Executive duty to re-enslave such persons, another and not he must be made the instrument to perform it. The present House had voted down this Amendment once, it might do so again and thus delay, but it could not change the result. Would it meet the crisis?

When the voting commenced, it was found there were eight absentees, without pairs, all Democrats, such men as Daniel W. Voorhees and James F. McDowell of Indiana. It was assumed that they now favored the Amendment, though not prepared to so record their votes. As the roll-call proceeded, such men as Homer A. Nelson of New York and Wells A. Hutchens of Ohio answered, in its favor, until ten Democrats voted for it, who had not done so before. When the roll-call was finished the joint resolution had more than the necessary two-thirds and the Amendment was ready to go to the States for ratification. When the result was announced, the scene was indescribable. Members sprang upon their seats, cheering and shouting, waving hats and hands and canes. The galleries answered back the shout. The whole chamber was in an uproar. All efforts to restore order were fruitless and the House, in spontaneous recognition of the event, adjourned for the day.

The necessary three-fourths of the States promptly ratified the Amendment. The result was formally announced by the Secretary of State December eighteenth, 1865, and the Amendment then became a part of the Constitution. Slavery was abolished.

There was a reason for the wish of the Republicans to have the work of the next Congress thus anticipated. It hastened emancipation a year. The recent successes of the North, in the field, indicated that the end of the war was near. Negotiations for peace were likely to be entered upon, at any time.

When Congress opened, Sherman was on his victorious march to the sea. When the vote was taken in the House, he was leaving Savannah, for his advance through the Carolinas; Thomas had annihilated Hood's army at Nashville; and Grant was holding Lee fast at Petersburg. If a proposition came, from the Confederate armies, to lay down their arms and, from the Confederate States, to return to their former allegiance, they would likely be met by the North, with open arms. In the joy of forgiveness, the guarantees of future peace might be overlooked. Those who believed, like Lincoln and Sumner, that there could be no permanent peace between the sections, while slavery continued, were anxious to see it destroyed and the legitimate fruits of the war secured by irreversible guarantees, before the end came. This done, it was hoped that a peace then coming would be a permanent one.

In this spirit, Sumner was busy upon other measures that concerned the colored race, while this Amendment was pending in the House and with the States. In answer to a suggestion of Sherman, in the Senate one day, that the Constitutional Amendment was the main proposition, Sumner retorted, "The main proposition, Sir, is to strike slavery wherever you can hit it and I tell the Senator he will not accomplish his purpose if he contents himself merely with a constitutional amendment." Sumner believed in the equality of the races before the law.

He made a protracted struggle in the Senate to equalize the pay of colored troops. Some of them had enlisted under acts that had made no distinction between them and white soldiers. The white soldiers received thirteen dollars per month, but by an order of the War Department, the colored men were paid, under a subsequent act, only ten. It was a question of construction of the two laws. Sumner insisted, that all soldiers enlisted under one law, should be paid the same and that an act passed subsequently to their enlistment could not change the rights of the colored man. Some Massachusetts troops were interested and that State firmly convinced of the justice of their claim, Governor Andrew having assisted in their enlistment, offered to pay them the difference. But some of the troops declined to so receive it, insisting they were to be paid by the United States. The matter was first canvassed, by Sumner and Wilson, before the War Department, and Secretary Stanton, at last, became restive under their importunities. It was then brought before the Senate, in an effort to amend the law causing the doubt. Sumner spoke several times upon it. The matter was finally referred by resolution, to the Attorney-General.

eral, who construed the law in favor of the colored troops and they were paid the same as white soldiers, who had enlisted with them.

Another troublesome question upon which Sumner spent much labor at this time was the claims against the Government for French spoliations during the Revolutionary War. It was an old subject, that had often before troubled Congress, and was destined to trouble it still longer. The claims were in favor of private parties for damages done to American shipping, by cruisers and other armed vessels of France, in violation of the law of nations and existing treaties. Claims of the same kind had been made, by our Government, against other European nations and had been paid and the money thus received distributed to those entitled. It was insisted that the Colonies had assumed the claims against France, in the adjustment made between the two countries, at the close of that war. This being disputed, the claims had never been paid. Forty-one times the subject, had been reported upon by Committees of the Senate and House, every time favorably, except in three of the earliest reports, the third, fourth and fifth. Among the eminent men who had made the favorable reports were Edward Livingston, Edward Everett, Daniel Webster, Caleb Cushing, Charles J. Ingersoll, John M. Clayton and Rufus Choate. Sumner now, as Chairman of the Committee on Foreign Relations, went into the matter, with his customary thoroughness, and made a report of almost one hundred pages, in which he reviewed the whole subject and urged an appropriation of not exceeding five million dollars, to pay the claims. Three thousand extra copies of the report were ordered printed. It stands as the most exhaustive discussion of the subject ever made. It was twice after, while Sumner was a member of the Committee, adopted as its report, on this subject, and so returned to the Senate; and twice more, by the Committee, after Sumner's death. An appropriation was finally made for the payment of the claims and they were paid.

The position of Sumner, upon another measure, at this Session, is interesting. He opposed the taxation of national banks, by the States, and offered an amendment to the law forbidding any State tax upon them, except as to the real estate they might hold. He believed the taxation of these banks should be exclusively in the hands of Congress for fear the States, if the power of taxation were continued to them, might undertake, in some crisis, to destroy them. In this view, he was supported by Secretary Chase, in a communication ad-

dressed by him to the Senate Finance Committee, and by some Senators. But his amendment was voted down. The States have always had the right to tax these banks and experience has not yet shown that it was unwise to confer it upon them. To withdraw from State taxation the vast amount of capital invested in these institutions would transfer an undue burden to other classes of property.

Late in the evening of Saturday, July second, a resolution was offered, proposing that Congress adjourn on the following Monday at noon. Sumner was opposed to the resolution and spoke against it. He reminded Senators that they were in the midst of a gigantic war and that important legislation still remained to be acted upon, that the army must be sustained and that measures for increased taxation should be debated, that \$100,000,000 more was said to be needed and the people were asking taxation to provide for it. He reminded them that until 1856 there had been no adjournment before August and that in 1850, the summer of the passage of the Fugitive Slave law, there had been no adjournment until September thirtieth; that, if for slavery Congress could endure the heat of summer and autumn, surely now, for the sake of freedom, they could continue in session longer than July fourth; that the Senators were paid then eight dollars per day, now a salary of three thousand dollars per year; that it was humiliating to think that so long as they were paid a per diem, they were willing to stay late, but when paid by the year, they could not endure the heat. He sympathized with the wish of others to be away. If he were to take counsel of his own personal comfort he too would be glad to be gone.

"Born on the sea-shore," he said, "accustomed to the sea air, I am less prepared than many of my friends to endure the climate here. I feel sensibly its sultry heats, and I pant for the taste of salt in the atmosphere. Nor am I insensible to other influences. What little remains to me of home and friendship is far away from here—where I was born. But home, friendship, and sea-shore must not tempt me at this hour."

In that short expression: "What little remains to me of home and friendship is far away," is the first note that comes to us, in his works, of the sadness and loneliness of life that afterwards dwelt upon him with peculiar heaviness. It seemed at last to grow into a longing himself to be away. On the sixth of the preceding October, 1863, his brother George had died of paralysis. He had been first stricken, two years before. Of all the large family that had once gathered around his father's

table, Sumner alone of the sons remained, and with him was his mother and only one sister, Julia. The sister was married and away in a home of her own. The feeling between Charles and George had been unusually tender. Charles had remained constantly near him during his last summer and was present when he died.

## CHAPTER XXXI

### RECONSTRUCTION UNDER LINCOLN—IN LOUISIANA AND ARKANSAS—NO BUST OF C. J. TANEY—NEGRO SUFFRAGE—FREED-MEN'S BUREAU—RELATIONS OF LINCOLN AND SUMNER—LINCOLN'S DEATH

I HAVE reserved until this place the mention of some work of Sumner on reconstruction. It would naturally have come earlier in strict order of time. But it will be more readily understood if the whole subject is treated together rather than in detached portions, as it came up, from time to time under the administration of Lincoln.

As the war neared its close, the question of the relation of the seceding States to the Union became one of serious importance. It had first made its appearance early in the war when the loyal portion of Virginia, now West Virginia, refused to follow the rest of the State into rebellion. The question had seemed simple enough of solution then, for the nation was anxious to retain as much as possible of the slave territory from the Confederacy; and the part that remained was occupied by loyal people, akin in manners of life to the North. Congress had created it a separate State and admitted it to the Union. The new state, under a constitution, formed in accordance with the act of Congress had elected state officers; and Senators and Members of Congress to represent them, were sent to Washington. These had presented their credentials and been admitted to their seats. Coming when they did, they had strengthened the hands of Congress and the President. The men sent to Washington, save a certain leaning towards slavery to be expected from citizens of a slave State, were as loyal, and as cordial, in their support of war measures, as any they found there. The new State had given pledge of its sympathy for the North, by placing in its constitution a provision for the abolition of slavery and adopting it, by a popular vote. But notice, the admission of the new State had been by concurrent act of Congress and the President, not by the President alone.

There was this difference, however, between the conditions in the admission of West Virginia and those attending the reconstruction of the States in secession. The white people of the former were loyal, while those of the latter were not. The

former had refused to enter into the Rebellion, had held a separate convention, when the ordinance of secession was adopted and had repudiated this action on the part of the balance of the State. They had raised soldiers and had assisted in fighting the battles of the Union. The others had seceded and had raised and maintained armies to destroy the Union. They were in favor of slavery and had sought to perpetuate it. If compelled at last to give it up, it had only been at the point of the bayonet. If readmitted to representation in Congress, judging from all the past, they would be found voting to cripple the efforts of the North to ameliorate the condition of the freedmen of the South. So far as they could, they would frustrate the efforts of the North, to restore the National authority in the South. It was feared that a warring, contentious, dissatisfied element would be restored to its old place in Washington. At home in the South, the colored people, without property and without influence would be left without any means of protection. It was important that having been given their freedom, they should be given the means of protecting it.

But President Lincoln was favorable to the reorganization of the States in rebellion, as fast as could be, consistently with the interests of the loyal North. A government in these States, by military oligarchy longer than required by the necessities of the case, would hardly be regarded favorably by an able lawyer, who had thought much upon constitutional questions; and it was abhorrent to his sense of justice. He was equally opposed to a government inaugurated there by political adventurers, who had followed the march of our armies and were ready to fill any positions of place or power that might be offered. He realized that we did not particularly need Members of Congress to assist in the work of legislation at Washington. That work was being done, in the main, satisfactorily enough to us. But he would like to see citizens of the South, of sufficient courage to boldly assert that they were opposed to the mad career of rebellion, and these in sufficient numbers to organize and maintain loyal State governments. It would furnish actual demonstration of the failing fortunes of the Confederacy.

It will thus be seen that one of the President's purposes, in reconstruction, was to encourage loyal citizens of the South to assert their loyalty and aid in the re-establishment of their States. It would strengthen their position by awakening a feeling of loyalty in others. It would form a nucleus about which opposition to the Confederacy might unite, and aid in destroying its hopes of success. He well knew that many of the people of the South had not favored rebellion, but had been

carried along in the mad career of their more powerful neighbors. Alexander H. Stephens, the Vice-President of the Confederacy, had been one of this class. He had advised against secession and had opposed it, in a strong public speech. He had only gone with his section, at last, because he could not control it. There was no hope of course now of reaching him. But others of his class were not holding office under the Confederacy and were not so prominently identified with the South. The President hoped that they might be reached and united and encouraged to do a good work in discouraging rebellion and bringing back the section to its former allegiance. He felt that there was a duty resting upon loyal Southern men that they should perform. He had a good deal of impatience with such of them as seemed to think the United States owed them protection and safety, but that they owed the United States nothing in return.

Writing of one of this class living in Louisiana, who had complained that, though loyal, the trade and travel of such as himself had been interfered with, by the blockade, Lincoln said: "Mr. Durant speaks of no duty, apparently thinks of none, resting upon Southern Union men. He even thinks it injurious to the Union cause that they should be restrained in trade and passage without taking sides. They are to touch neither a sail nor a pump, live merely as passengers ('dead-heads' at that) to be carried snug and dry throughout the storm and safely landed right side up. Nay, more, even a mutineer is to go untouched, lest these sacred passengers receive an accidental wound. Of course the Rebellion will never be suppressed in Louisiana, if the professed Union men there, will neither help to do it nor permit the Government to do it, without their help."

It was over the State of Louisiana that the first question of reconstruction arose. In April, 1862, Admiral Farragut had reduced the Rebel fortifications on the lower Mississippi and captured New Orleans. Thenceforward the city was in the hands of the United States soldiers. Thus encouraged, the loyal citizens of Louisiana began to take thought of reorganizing the State and, under a proclamation, by the Union Military Governor, for an election, had held one in December of that year. Benjamin F. Flanders and Michael Hahn, two old residents of the State, were chosen Members of Congress. They had accordingly presented their credentials to that House and, without much discussion, it had admitted them to their seats. No Senators had been elected and, of course, each House being the judge of its own elections, the question of eligibility had

not been discussed by the Senate. This was, however, the first crude effort at real reconstruction and, as the sequel showed, it was a mistake. It was admitting reconstruction, at the instance of the President, and permitting it to be consummated, with Congress having no voice in it save to vote, each House, on the admission of Members, returned to it. The result of it was to mislead both President Lincoln and President Johnson, as to the extent of their powers. It led President Lincoln into believing that reconstruction at the instance of the President would be recognized by the Senate and it brought about a struggle between him and that House, in which he was defeated. It misled President Johnson into believing that the authority of the President, as assumed by his predecessor and apparently conceded by the House, was greater than it was in reality. It caused the first clash between him and Congress, and in large measure contributed to his impeachment.

The action upon the credentials of Flanders and Hahn had not, however, been taken without some misgivings on the part of the lower House. But, like the admission of West Virginia, it came at a time when the fortunes of the North were at the lowest ebb, just after the bloody battle of Antietam, when both Congress and the President were absorbed in providing men and money to meet the needs of the war.

The next step was taken when President Lincoln, in his Message to Congress, in December, 1863, recommended a definite plan of reconstruction. He accompanied his Message with a Proclamation setting forth his plan. It proposed a full pardon to all persons who had been in rebellion, except certain classes who were deemed especially guilty because they had abandoned judicial, congressional, naval or military offices under the United States to enter the Confederacy, or who had held high civil or military offices under the Confederate government, or had been guilty of cruelty towards United States colored troops when captured, treating them otherwise than as prisoners of war. All persons not thus excepted from pardon were to be restored to citizenship upon their taking an oath to support and defend the Constitution and abide by all laws, and proclamations, made during the war respecting slaves, until legally modified. If a sufficient number of such persons in any State in rebellion, voted, to cast one-tenth of the vote that was cast at the Presidential election of 1860, the government thus established was to be recognized as that of the State. The Proclamation, however, provided that the eligibility of persons elected to the Senate and House must be determined by these Houses respectively.

A change had now taken place in the fortunes of the North. Vicksburg had been captured by Grant and the Mississippi River was now open from its source to its mouth and patrolled by Union gunboats. The Confederacy was divided in twain, the part of it that lay west of the Mississippi being completely separated from the rest and destined never to be reunited under that government. Gettysburg had been fought and won. These events, with the failing fortunes of the Confederacy elsewhere, were strengthening the hearts of Southern Union men. In Louisiana a convention was held and after that an election, whereby Michael Hahn was chosen Governor. Members of Congress were also elected. Arkansas had elected a Governor and Members of Congress. Both States accomplished this by the requisite ten per cent. vote and likewise adopted Constitutions abolishing slavery. Several States chose United States Senators. The Senators from Arkansas were the first to present their credentials at Washington and ask to be seated. The issue was thus fairly presented. Everything had been done in accordance with the President's Proclamation. Would the two Houses of Congress acquiesce, and vote to seat the Representatives and Senators? President Lincoln, relying on the previous action of the lower House upon the credentials of Flanders and Hahn, believed they would.

But the feeling of some of the Members had changed in the meantime. Within a few days after the publication of the President's Message and Proclamation, Sumner referring to the plan of reconstruction there set forth, wrote: "Any plan which fastens emancipation beyond recall will suit me," thus making emancipation the one single requisite in his eyes. On the eighth of February, 1864, two months after the Proclamation, he introduced a series of resolutions in the Senate, for the purpose of defining its position upon the question of reconstruction. In these resolutions he took the same position as in his letter to Bright and he made it emphatic that no reconstruction was to be considered that did not secure emancipation in the reconstructed States. In these resolutions he insisted that a solemn duty was cast upon Congress to see that no rebel State was prematurely restored \*\*\* until all proper safe-guards were established, so that loyal citizens, including the new-made freedmen could not be molested \*\*\* and especially that no man there could be made a slave." In the last of these resolutions he defined how this freedom was to be secured: "the constitution thereof must be so amended as to prohibit slavery everywhere within the limits of the Republic." Here was emancipation to be secured by Constitutional Amendment, under the

supervision of Congress, in the reconstructed States before they should be allowed to retake their position as States. This was the highest ground that Sumner assumed, up to the time of President Lincoln's Proclamation. But note, there was no mention in it of suffrage to the colored race, as one of the prerequisites. Sumner himself had not yet advanced to this position. But he was travelling in this direction.

On the thirtieth of March, 1864, the Senate was considering a bill already passed by the House, to provide a temporary government for the Territory of Montana, when Wilkinson, of Minnesota, moved to amend the clause relating to the qualification to vote. As the House had passed the bill, the qualification stood "every white male inhabitant." The amendment proposed was to make it "every free male citizen of the United States and those who have declared their intention to become such." A debate arose over this amendment. Reverdy Johnson said the word "citizen" as thus used was not applicable to "black men" because the Supreme Court had held in the Dred Scott case that a person of African descent is not a citizen. Wilkinson said he was willing to let the amendment stand as it was, let the decision of the Supreme Court be what it may. Sumner remarked that he hoped Congress would proceed, without respect to a decision that had disgraced the country and ought to be expunged from its jurisprudence. Johnson followed him at length in a eulogy of Chief Justice Taney, who had delivered the majority opinion in the Dred Scott case and was from his own State. He took Sumner to task for his want of respect for the Supreme Court. Sumner replied that he had been taught that two and two made four and if a tribunal honored like that Court declared they made five he claimed the right to dissent, that he entered a standing protest against that "atrocious judgment" which was "as absurd and irrational as such a reversal of the multiplication table," that it "was false in law and also false in the history with which it sought to maintain its false law." Johnson had referred to the honored character of the Court and the great names that had been associated with it in the past. This reference to the old Court touched a chord that had vibrated, in his youthful days, when on his first visit to Washington, Judge Story had opened to him an association with the Members of that body, and Sumner replied:

"But the Senator wandered into eulogy of that old Supreme Court, now departed, when Marshall was Chief Justice, and from the past claimed consideration for the present. Sir, I have been no careless student of that court in its great and

palmy days. I know the learning, wisdom and ability of its judgments, and am proud that there are such pages in the jurisprudence of my country. My sentiments towards the court of that day are warmed, also, by personal experience. It is among the cherished reminiscences of early life, that I was privileged to know, as a youth might know, the illustrious magistrate, whom the Senator praises so well. He received me at his table, and allowed me to accompany him in his morning walks to the court-room. He was a venerable character. But I pray the Senator not to claim for the Dred Scott decision any of the reverence justly belonging to his name. There is no question of tribute to Chief Justice Marshall, or respect for the tribunal while he presided over it. The Dred Scott decision is more noticed from contrast with all that is good and great in the decisions of other days. It is sad that the tribunal that had established such an authority among us should do an act by which its authority has been endangered."

Johnson replied insisting he had not wished to offend Sumner and confessing his personal regard for him as well as acknowledging the courtesy he had received at his hands. But he still insisted that he must place the authority of Chief Justice Taney higher than Sumner upon a question of constitutional law. Hale, of New Hampshire, to the merriment of the Senate, added that he would have to differ from Sumner, that while he did not think any better than he did of the Dred Scott decision and agreed also that it was an outrage upon the civilization of the age and a libel upon the law, he could not agree with Sumner in thinking it was a disgrace to the Supreme Court of the United States. To this length had one decision carried Senators in their estimate of the court. The conclusion gravely reached by so high a court that a man by reason of his color could not be a "citizen" seems amusing still.

Chief Justice Taney died, during the coming recess of Congress. At the following session, a joint resolution for a bust of him, to be placed in the Supreme Court Room, was introduced by Trumbull, of Illinois. It was vigorously opposed by Sumner, Wilson, Hale and Wade; but was supported by Johnson, Trumbull and Carlile of West Virginia. The debate over it was exceedingly acrimonious; and personalities were indulged in, on both sides. The proposition was opposed, on the ground of the Dred Scott decision; which was characterized "as the greatest crime in the judicial annals of the country." Johnson believed the decision was right and defended it. Sumner replied that in listening to Johnson he was "reminded of a character known to the Roman Church who always figures at

the canonization of a saint as the *Devil's Advocate*"; and added that "Taney should never be recognized as a saint by any vote of Congress," if he could prevent it. It was apparent that the opposition, under Sumner's lead, would defeat it; and it was, therefore, abandoned. The incident illustrates the height feeling was running at the time, on the question of slavery. Though undoubtedly wrong in this decision, Chief Justice Taney was a wise and able judge, who as the head of the court for twenty-eight years, one of the longest careers in its history, had added to its renown. The vote of a bust did not necessarily mean an endorsement of all his work. The busts are placed there simply as memorials of the deceased. Nine years later, when feeling had softened and all who had opposed the resolution were gone from the Senate, save Sumner alone, and he was detained from his seat by sickness, a resolution to place in the Court Room busts of Taney, and Chase who had recently died, was passed unanimously. The Dred Scott decision had never been formally reversed by the court, but no one regarded it as binding. Sumner himself had moved the admission of the first colored attorney to the bar of that court and the court had admitted him to practice, thus affirming the conclusion, that others had reached, that the black man was a "citizen."

Wilkinson was therefore safe enough, when he declared he was willing to let his amendment to the bill to provide a government for the Territory of Montana stand, as entitling "free male 'citizens'" to vote. The amendment proposed by him was adopted by the Senate; and the bill was then passed as amended. But the House refused to concur in the amendment. A bill was finally passed by both Houses limiting the right to vote substantially as first proposed to "white male inhabitants." So the first battle for colored suffrage was lost.

The question next came up when the Senate had before it, a bill to change the charter of the city of Washington. Cowen of Pennsylvania moved to amend the bill, by inserting the word "white" before "male," so as to confine the right to vote in the city to white male citizens. Sumner spoke against the amendment, saying that the refusal of this right was an odious prejudice against the black man, bequeathed by slavery. He insisted that in the early days of the Republic black men had been allowed to vote. He called attention to the decision of the Supreme Court of North Carolina, found in 4 *Devereaux and Battle Reports* at page 25 where the court says that "it is a matter of universal notoriety that under it (the original constitution of the State) free persons without regard to color claimed and exercised the franchise until it was taken away

from free men of color a few years since by our amended constitution." "Her most eminent magistrate," said Sumner, "the late Mr. Justice Gaston, accomplished as a jurist and as a man, whom I remember well, in most agreeable personal intercourse, laid down the law of his State in these emphatic words." This famous Judge had himself, as a member of the Constitutional Convention, of his State, opposed the proposition to deprive free colored men of the right to vote. Sumner had met him at Montreal, in 1836, when on an excursion in Canada. He declared that he did not think any one on the floor of the Senate could feel humbled, if his judgment was postponed to that of Judge Gaston of North Carolina, who had declared that, according to the constitutional law of human rights, colored persons are citizens.

Sumner's mind upon the question of suffrage was now made up. "I shall deem it my duty," he said, "to vote against all propositions creating any discrimination of color. At this moment of revolution, when our country needs the blessing of Almighty God and the strong arms of all her children, this is not the time for us solemnly to enact injustice."

With this, the bill to change the charter of Washington was dropped. But on the twenty-fourth of May, 1864, two weeks after Sumner made this declaration, Wade, of Ohio, offered a joint resolution to improve the registration law of Washington. It retained the old exclusion on account of color. Sumner offered an amendment, to forbid this exclusion. Wade said it was not his purpose to go into the question of suffrage, but simply to secure a needed change in the law. Sumner answered that it continued the old rule founded on color and that he could not sanction it, that he would regret to see his amendment defeat the bill, as it was suggested it would, for he sincerely wished its passage, but he could see no reason for a discrimination of color, if white persons were deprived of their rights, by a failure to pass the bill, so were colored persons, by a failure to pass his amendment. And he asked with some point, "which has been kept out the longest? I am for the rights of both to the end that we may have at last, in the national capitol, Equality before the law." He again expressed the determination to miss no opportunity to assert the rights of the oppressed race. Mr. Harlan moved to add a limitation, granting the right of suffrage to those colored men, who had borne arms, in the service of the country and had been honorably discharged. But both propositions to grant the right to vote to colored men were voted down and the resolution as originally proposed by Wade, was adopted, thus defeating the sec-

ond effort for colored suffrage. The opponents of it and those, who, like Wade, believed in it, but thought it inopportune, to press it at this time, united to defeat it. Sumner was for it, in season or out of season. He was thoroughly in earnest and was now the recognized leader upon this question in the Senate and was destined to so continue, until its final triumph.

I have dwelt at length upon these early movements for universal suffrage, because it will be seen that they were soon to play an important part in the question of reconstruction. Sumner had not yet insisted on it, as an essential condition to be imposed upon the rebel States, before they could resume their place as States, but he soon did, and he maintained this position, even against both of the Presidents, Lincoln and Johnson, till he succeeded. It was one of his greatest labors and likewise one of his greatest triumphs. Sumner was the champion of the rights of the colored race in the Senate. He was opposed to all discriminations against them and in favor of whatever could tend to uplift them and improve their condition. He believed that they should be given the power to help themselves and encouraged and instructed in the use of it.

As illustrating his labor to this end there may be mentioned the creation of the Freedman's Bureau, by a law passed at the close of the session of Congress, in March, 1865. It grew out of the new condition of the colored people of the South, who had been freed by the President's Proclamation of Emancipation. They were relieved from all obligation to labor for their former masters and yet were without the means of sustaining an existence. Their only capital was their labor. Yet in many places their masters had abandoned their plantations before the inroads of the Union armies and these colored people were left to starvation. There were too many of them to be supported by public charity. It would have been the worst of policy to have them so supported, if they could be. Some of them had already got the impression, that the Government, in the furtherance of its good work, was to furnish each colored man "forty acres of land and a mule," and were disposed to wait for this distribution. The need was to furnish them work and protect them in it, from the greed of employers, until they could become adjusted to their new condition and learn to take care of themselves; where the land had been abandoned set them to work upon it and aid them to make a living for themselves. It was such work as this that the Freedman's Bureau sought to do. Sumner called it, "a bridge from Slavery to Freedom."

A bill to establish such a bureau had been passed by the House as early as March first, 1864. The next day it came to

the Senate and was referred to the committee on Slavery and Freedmen of which Sumner was chairman. From March until the last of May, three months, the committee was occupied in an investigation of the subject. No less than nine different projects were laid before the committee, some by eminent citizens interested in the freedmen, such as Robert Dale Owen of Indiana, John Jay of New York and E. L. Pierce of Massachusetts. Defects were pointed out in the House bill. The result of the whole was a new bill drafted by Sumner and reported by his committee. It provided for the care of such persons only as had once been slaves, not for persons of African descent generally, and it sought to secure them labor in such places as would be congenial to them, but prevented any system of enforced labor by requiring contracts between them and their employers to be attested before public officials. It looked to securing them the opportunity to labor, under contracts well guarded by the friendly advice of agents of the Government. After long and acrimonious debates, and many attempts to defeat, amend and postpone, after conference committees of the House and the Senate, to trace which would be fruitless, except to illustrate Sumner's persistence and ability, the measure was finally passed, and approved by the President, on the third of March, 1865. It created a department that was destined to do much good and likewise encounter much criticism, until its purpose was served and it was abolished.

Reconstruction came up again, in the Senate, on June tenth, 1864, when Lane of Kansas brought in a joint resolution for the recognition of the free State Government of Arkansas. Sumner opposed the resolution in a speech since published, under the title: "Make Haste Slowly." In closing he counselled prudence, urging Senators, that while they made haste, to let haste be governed by wisdom and caution and not with the sacrifice of all safeguards for the future. At the same time he reminded the loyal people of Arkansas that they should not be discouraged, but remember their country was with them, although their time had not yet come, that "they also serve who only stand and wait." In this speech he took the broad ground that the readmission of Arkansas at this time would be unreasonable and dangerous. The people that were asking it had until recently been acquiescing in rebellion, some of them taking an active part in it and were at best only a small minority of the actual voters of the state. To grant them two Senators and the representation of Arkansas in the House, and Electoral College where their votes might determine the choice of a President, would be subversive of the rights of the other States

and of the principles of the Constitution. He argued that President Lincoln's proclamation had never promised them such privileges, but, on the contrary, had been careful to disclaim any such purpose, expressly saying, that each House of Congress must determine whether the members sent from any State should be admitted, that the President only issued such a proclamation as Commander of the armies and that the State Government that issued from it could only be, like its source, military in character and consequently only provisional or temporary, until it received the sanction of Congress, that the two Houses of Congress must act together and with the President in legislating upon the subject so that whatever was done would be harmonious. It would not do to have Representatives admitted to the House and Senators denied admission to the Senate so that though coming from the same State, they might be like the famous twins, Castor and Pollux, in Grecian mythology, one of whom was translated to Olympus while the other was left upon earth.

Sumner had some weeks previously offered a resolution embodying his plan of reconstruction. It was, that a State pretending to secede from the Union, and battling against the National Government to maintain this pretension, must be regarded as a Rebel State, subject to military occupation, and without title to representation in the Senate, until it had been readmitted by a vote of both Houses of Congress; and the Senate should decline to entertain any application to seat Senators from any such Rebel State, until after such vote of both Houses of Congress. This was offered, in the Senate, when it had under consideration the credentials of claimants as Senators from Arkansas. When Lane moved that his resolutions for the recognition of Arkansas be referred to the Judiciary committee, Sumner moved that his resolution also be referred to the same committee. The committee reported adversely upon both and the claimants were not admitted to seats in the Senate.

The subject of reconstruction came up in the Senate again on the first of July, only three days after this adverse report of the committee, this time on a bill introduced in the House by Henry Winter Davis. By the bill a Military Governor was to be appointed by the President for each Rebel State and as soon as resistance to the United States ceased in the State, this Governor was to make an enrolment of the white male citizens of the State and submit to them an oath to support the Constitution. If one-half of them took this oath, he was to order an election to a constitutional convention. If this con-

vention declared its submission to the Constitution of the United States and also adopted a constitution for its State, excluding from the Legislature or office of Governor and from the right to vote for either, all who had held a civil office, other than ministerial, or military, above the rank of Colonel, under the Confederate Government; and forbidding slavery or the payment of any debt created in aid of the Rebellion; and such constitution was adopted by a majority of the voters already enrolled; and this fact was certified to the President, he should, with the consent of Congress, recognize the State government as competent to elect Senators and Representatives.

An amendment was offered to this bill when it came to the Senate, after its passage by the House, to strike out the word "white," so as to include among the voters all male citizens of the United States. This amendment received only five votes, Sumner's one of them, and had twenty-four against it. Brown, of Missouri, then offered, as a substitute for the bill, another simply providing, as had been proposed by Sumner, that a Rebel State should not vote for Senators, Representatives or Electors, until the suppression of the insurrection nor until such State's return to obedience be declared by proclamation of the President, issued by virtue of an act of Congress.

Sumner offered as an amendment an additional section that the Proclamation of Emancipation so far as it freed the slaves of the States in rebellion be enacted as a statute and as a rule and article for the government of the military and naval forces. He wished emancipation to have the sanction of Congress as well as of the President. It was assumed he said that emancipation would never be recalled, but who could tell the vicissitudes of elections. The proclamation was a military measure of the President, as Commander-in-Chief of the army and navy, proclaimed as "a fit and necessary war measure for suppressing the Rebellion," adopted, "upon military necessity." It might be argued it was a temporary measure, to meet an emergency. Who could look far enough into the future to see what other proclamation might thereafter be issued, perhaps, by some other President? He "would make the present sure and fix it forever and immortal," not leave it to depend upon the will of any one man, however great. The amendment to the Constitution had not yet been ratified. He would place it in the Constitution if he could, but if that should fail he would at least have it safeguarded by an act of Congress. His amendment was, however, voted down, some of its friends feeling that it ought not to be attached to this bill for fear it would defeat

it. But the substitute offered by Brown of Missouri, was adopted by the Senate.

The House of Representatives refused to concur in Brown's substitute. The Senate on the last day of the session, passed the bill introduced by Henry Winter Davis in the House and reported to the Senate by Wade of Ohio. But the President refused to sign it, and so it failed to become a law. If it had become a law, it would have dashed the pledges President Lincoln had held out to the Rebel States, in his proclamation, inducing them to reorganize the States and send Senators and Representatives. The bill required one-half of the voters to unite to form a state government; the President's proclamation was satisfied with one-tenth. His was familiarly known among Congressmen as "the ten per cent. plan." The bill required one method of ascertaining these voters, by registration and one form of oath to be taken by them; the proclamation required a different method of ascertaining the voters, "by guess," the advocates of the bill said, and a different oath. The bill forbade Electors for President to be chosen, in these States, while the proclamation permitted it and the advocates of the bill said, "threatened the country with a civil war to exclude them."

The President published a statement of his reasons for refusing to sign the bill, treating it as a plan of reconstruction offered by Congress and saying that having already proposed one plan, he was unwilling to inflexibly commit himself to another. He was also unprepared to set at naught what had been done in Louisiana and Arkansas and thus discourage their loyal citizens from farther effort. Davis of the House and Wade of the Senate, the chairmen of the committees, that were responsible for the bill, prepared and published a protest against the President's action, which took the form of a trenchant reply to his statement. The only effect of their action was to defeat the renomination of Davis to Congress, thus permanently retiring a brave and brilliant man from public life, for before the next election he was dead. The people were with the President, believing that any contest between him and Congress over this question in the present condition of the country, would be a mistake. The whole subject went over to the next Congress.

The President, however, had carried his point. He kept the subject of reconstruction, in his own hands and out of the control of Congress. During the recess of Congress, he instructed the military officers stationed in Arkansas and Louisiana to sustain the governments that had been organized under his proclamation. It was a subject in which the President felt much interest. The prediction had been made in Europe and

used to our prejudice, that even though the Rebellion were suppressed, the feeling in the South was so great that the two sections could never be reunited, that the South, if kept in the Union, could only be governed as a conquered province. The President wished to prove the contrary by showing that even during the existence of the war, there was a portion of the population of the South devoted to the Union. This portion he wished to develop into a positive force for the Union and increase in numbers. His wish may have carried him too far. Contrary to his habit, he assumed authority that did not seem to belong to his office and established a precedent which, when followed by his successor, led to a notable contest, in which it is now generally conceded President Johnson was wrong. It is, however, just as generally believed, that such a contest never would have occurred, if President Lincoln had lived. But however politic it may have been to develop and demonstrate a loyal sentiment in the South, these States were far from being prepared to resume their places as States with the power to cast their full vote, in the Electoral College to choose Presidents, and in Congress to pass laws. Too much of them was still in the Rebellion to be all counted as if in the Union.

Sumner while differing from the President had so far not antagonized him. In his speech, "Make Haste Slowly," he had treated the plan of reconstruction set out in the President's proclamation as a suggestion merely and as not intended to be binding upon either him or Congress. He had talked the subject over privately with him, more than once, and had advised moderate action. He had especially urged that there be no contest allowed between the Executive and Congress over the question. It was indeed fortunate that the bill was passed so late, for with the feeling there was among Members, over his failure to approve it, a contest might have been precipitated, if Congress had still been in session. The Members having separated and being among the people, who were taking the side of the President, opportunity was given for their resentment to cool, before they reassembled. Many of them expected trouble when they met and the President's Message was presented. But the President, with the wise caution that was so characteristic of him, avoided all reference to it in his Message.

There was an apparent indisposition to open the subject up in Congress, knowing the want of agreement between the President and that body. But kindred subjects kept appearing. On February fourth, Sumner offered a series of resolutions to declare the rule for ascertaining the three-fourths of the States required for the ratification of a constitutional amendment.

The resolution declared that the participation of the Rebel States was not necessary, that as in proposing by Congress of the Thirteenth Amendment to the States as well as in all recent acts of Congress and all recent treaties, the vote had been determined simply upon the basis of the representation at the time in the two Houses, so must the three-fourths required for ratification of an amendment be founded on the simple fact of representation in the Government of the country and the support of it. In other words he declared that the Rebel States were not to be counted as States in determining whether the necessary three-fourths of the States had ratified the Amendment.

Two days later he submitted in the Senate an Amendment to the Constitution apportioning Representatives in Congress according to voters. The Constitution provided that Representatives should be apportioned among the several States according to their respective numbers, which should be determined by adding to the whole number of free persons, three-fifths of all other persons. The "three-fifths" thus mentioned had been held to mean slaves. Thus the South had always been allowed Representatives for three-fifths of its slaves. Now that these slaves had been freed in the Rebel States, if restored to Statehood these States would be allowed representation on *all* their free colored population and yet none of it be allowed to vote. This would give them an unjust advantage in the apportionment. Theretofore the South had only been allowed representation on *three-fifths* of its slaves. Manifestly the colored men should be allowed to vote or they should not be allowed representation. Hence Sumner proposed that Representatives should be apportioned according to voters.

It was hoped that the refusal to the Rebel States of any voice in the ratification of constitutional amendments, and especially of that one just pending abolishing slavery, would produce a desire for reconstruction and hasten the end of rebellion. It was likewise hoped by Sumner that the correction of the basis of representation, denying the right to count the colored people, if they were not allowed to vote, would lead to the grant of that right to them.

Sumner argued that it was a great thing to be a State with the privileges of representation in Congress and the Senate and in the Electoral College. Such privileges ought not to be lightly conferred, and they should be guarded carefully against the approaches of those in actual rebellion or in covert hostility to the Union. He insisted that it was also a great thing to be a Senator of the United States with all the powers and privi-

leges, legislative, diplomatic and executive, appertaining to the office and the question whether these were to be recognized who were returned as Senators by States, whose people were yet supporting armed opposition to the Union, was a matter of grave importance to the whole country. Whether a State in armed rebellion could have representation upon the floor of the Senate was a great constitutional, practical and political question. Could a small portion of a State, the balance of which was at that very moment confessedly in armed rebellion, be admitted to equal privileges with the great States, for example of New York and Pennsylvania? Yet such were the questions that were constantly recurring when the subject of reconstruction was approached. A curious illustration occurred at this session when the credentials of Joseph Segar were presented to the Senate, as a Senator from Virginia. He was appointed by a State government sitting at Alexandria. It was seriously said that the body that undertook to send him was little more than the Common Council of Alexandria, a little city, and a suburb of Washington. Sumner promptly opposed his admission and moved the reference of his certificate to a committee. He was astonished to find a strong sentiment with certain Senators against his motion, which revealed itself in the discussion. It was urged that Sumner himself had entered, "with a certificate from a body of men, in Boston, little more in number and character than the Common Council of that city." If that be true answered Sumner, then it was "the duty of the Senate before receiving my credentials to inquire into their origin." The debate proceeded till Sherman, of Ohio, moved that the credentials of Segar be laid on the table. It was carried by an emphatic majority; and the claim to a seat was never prosecuted farther.

The Senate's struggle over reconstruction, at this session, commenced when, Trumbull, as Chairman of the Judiciary Committee, reported a resolution to recognize the new State government of Louisiana, as entitled to all the rights of a State government, under the Constitution of the United States. This government had been organized in accordance with the proclamation of President Lincoln. He had advised it and was in frequent consultation with those under whose direction it had been organized. He directed the military officers in that district under whose command the initial steps were taken. Some of the men elected were his confidential friends and trusted correspondents on whom he relied for the success of his measures, in Louisiana. The President was much interested in the recognition of the new government. During the struggle which

followed, it was freely charged that Trumbull who reported the resolution for its recognition and now moved to take it up for consideration had been "miraculously converted." He had opposed the recognition of Arkansas and the reception of the credentials of its Senators, and he did have a conference with President Lincoln about Louisiana after the opening of the session and it was supposed the President had then pressed him to move for this recognition. General Banks, commanding that department, came on to Washington and remained some months after the session opened and advocated the recognition. Everything pointed to the deep interest the President took in the success of the measure. This made Senators loath to openly antagonize it.

Sumner's mind was now made up on two questions. He believed first, that no reconstruction should take place without congressional action, that it should not be brought about by the President alone, and, second, that he would agree to none that did not recognize the right of colored men to vote. He would consent to no discrimination between the two races. To the unqualified admission of Louisiana as proposed, he was unalterably opposed. He was so much opposed to it that he was determined to defeat it by whatever constitutional means lay in his power, if it became necessary to use them. He considered it so dangerous that he was determined that the regular appropriation bills of the session should go unpassed, if it became necessary to consume the balance of the session in dilatory tactics to defeat it.

When the motion was made to proceed to consider the resolution, Sumner moved as a substitute, that Senators and Representatives should not be elected to Congress from a State in rebellion until the President proclaimed all armed hostility to the Government within the State had ceased nor until its people had adopted a Constitution not repugnant to that of the United States and its laws, nor until by a law of Congress such State shall have been declared entitled to such representation. This substitute was lost, only eight voting for it, while twenty-nine were against it. When the subject came up, on the next day, Sumner sought to interpose another bill for consideration, urging that it had been more considered and they were better prepared to vote on it. He was pressing the change strongly; and the time for adjournment was drawing near. Conners urged him not to waste the fifteen minutes left, in discussion, but to let them take a vote. "Give up," joined in several Senators. "Senators say, 'Give up,'" answered Sumner. "That is not my habit." "We know that," answered Conners, amid the

laughter of the Senate. And the resolution went over. When it came up next, Chandler, of Michigan, again moved to postpone it. A debate followed with a good deal of feeling. Sumner was charged with unfaithfulness to Freedom and the Free States, in joining hands with the Democratic Senator from Kentucky to defeat the recognition of the free State of Louisiana. Sumner replied that their measure was a shadow, calculated to bring disaster and he warned a Republican Senator to hesitate before he lent his influence for a proposition, "opening the way to an ominous future." It was urged that the vote of Louisiana was needed to make the necessary three-fourths of the States to ratify the constitutional amendment prohibiting slavery. Sumner denied that it was needed, denied that the Rebel States should be considered as States, in a count for the purpose and insisted that only three-fourths of those actually in the Union were necessary. States in rebellion had no right, he argued, at such a time to control the Government and thwart the overthrow of slavery. The motion to substitute another bill for consideration was also lost.

The debate proceeded, Henderson of Missouri, said: "The Senator from Kentucky thinks the Constitution of Louisiana is the offspring of military usurpation, but he does not say that the Constitution itself is anti-republican." "I do," answered Sumner. "You do?" asked Henderson. "Certainly," said Sumner. "I believe now candidly," said Henderson, "that the Rebellion is about at an end, and if there were no other evidence of it, that evidence would be presented to-night, in the close alliance and affiliation of my friend from Massachusetts and my friend from Kentucky. Truly the lion and the lamb have lain down together." "Who is the lion and who is the lamb?" asked Johnson, of Maryland. "That is for the gentlemen themselves to settle," answered Henderson, amid the laughter of the Senate. "The Senator from Massachusetts," he continued, "says that these State Constitutions are not republican in form. Will he tell me in what respect?" "If the loyal men, white and black recognize it, then it will be republican in form. Unless that is done, it will not be," answered Sumner. Henderson asked, Can Congress interfere with the right of suffrage in one of the States? Sumner promptly answered, "Under the words of the Constitution of the United States, declaring that the United States shall guarantee to every State a republican form of government, it is the bounden duty of the United States, by act of Congress, to guarantee complete freedom to every citizen, immunity from all oppression, and absolute equality before the law." Henderson argued that

the failure of Rebels to vote did not violate the principles of republicanism. "It was the failure of loyal citizens to vote that did the damage," answered Sumner. "I answer that," said Henderson, "by asking, what loyal men did General Banks prevent from voting?" "All the colored race," promptly answered Sumner.

The debate proceeding, Sumner proposed, as another substitute, a series of resolutions, that the Constitution requires that "the United States shall guarantee to every State in the Union a republican form of government" and that the term "United States" when so used meant "the President and both Houses of Congress acting for the whole people" and not any military commander or executive officer; that in the definition of the expression "republican form of government," we should adopt the Declaration of Independence and insist that, in every re-established State, all persons must be equal before the law, that there should be no discrimination, in favor of Rebels who had forfeited all rights, and exclusion of loyal persons who had never forfeited any, that the equality of all should be secured so that, when re-established, the governments should be permanent and not again be liable to be overthrown by an oligarchical ruling class, that, aside from questions of justice, the votes of the colored people were needed against enemies at home as much as their guns were needed against rebels in the field. These resolutions were on Sumner's motion ordered to be printed and he gave notice that at the proper time he would offer them as a substitute.

As the debate proceeded Reverdy Johnson argued that the United States had no right to impose on a State a change in the qualification of its electors, that this must be done by the State itself, that the State alone had the right to determine who should vote. Sumner answered that the Proclamation of Emancipation was now admitted to be binding and would be sustained by the Supreme Court of the United States and it recognized the right of the United States to impose conditions on the Rebel States against their will. At the close of Johnson's speech, Sumner offered a proviso to the resolution, that reconstruction was not to take effect except on the condition that within the reconstructed state there be no denial of the electoral franchise or any other right on account of color or race but that all persons must be equal before the law and that the state should so guarantee before it could return. This proviso was opposed by Henderson, Johnson and Pomeroy.

Finally Wade moved that the consideration of Trumbull's resolution be postponed to the next Session. Wilson inter-

rupted the consideration of it by a motion to adjourn. This was lost. Then the motion to postpone was lost. Howard then moved to adjourn. This too was lost. Then a motion to lay the resolution on the table was lost. Sumner declared the passage of the resolution would be "a national calamity," the political Bull Run of the Administration, sacrificing a great cause and the destinies of the Republic," and urged that they were not ready to vote on it, that it should be discussed farther and he moved to adjourn as it was now late at night. But the motion was lost. Trumbull appealed for a vote, saying that Sumner had fought it now day after day to prevent a vote when a large majority were against him, and had overruled him time and again and here he still stood at half-past ten o'clock Saturday night making dilatory motions, with a determination to brow-beat the Senate. Sumner denied that he was brow-beating the Senate. "I heard it said there should be no vote to-night," retorted Trumbull. "Is that brow-beating?" asked Sumner. "The question between the Senator from Illinois and myself is simply this: he wishes to pass the measure, and I do not wish to pass it. He thinks the measure innocent; I think it dangerous, and, thinking it dangerous, I am justified in opposing it, and in employing all the means in our arsenal."

Sumner again reiterated his prediction that the resolution could not be passed that night, that the rules would prevent it and he knew it and its importance justified its defeat in that way, this being true, was it advisable to press such a revolutionary measure at such a time? If he did, he would make a mistake, that a certain character of antiquity had been found sowing salt by the sea-side and plowing it in and Trumbull's occupation was just about as profitable. Sumner again moved to adjourn, but it was again voted down. And the debate continued. Hendricks of Indiana said that Sumner was determined that none of these States should be heard in Congress until those who spoke for them spoke the voice of negroes as well as of white men. Others said this should not be and the Democrats were a unit on that. Finally Lane, of Kansas, moved to adjourn and shortly before midnight the Senate adjourned.

The next Monday, the consideration of the resolution was taken up again. Sherman of Ohio interrupted by a motion to take up the appropriation bills and other pressing measures, reminding Senators that it was now February twenty-seventh and that the Session must close March fourth, when these bills must be passed. This motion was debated. Sumner said the Convention that formed the Louisiana Constitution was "a

stupendous hoax" and that the resolution to recognize it was little different and that perhaps the expression was hardly strong enough to characterize a work where military power and injustice to a whole race had been enlisted in defiance of self-evident truths, that the pretended government was "utterly indefensible," "a mere seven months abortion, begotten by the bayonet in criminal conjunction with the spirit of caste and born before its time, rickety, unformed, unfinished,—whose continued existence would be a burden, a reproach and a wrong." He was interrupted by Sherman and the vote was taken on his motion to proceed with other business. It was carried by a vote of thirty-four to twelve and this resolution for the admission of Louisiana was postponed—forever. The consideration of it was never resumed.

An extra session of the Senate, of a week's duration, followed President Lincoln's second inauguration, during which there was some little discussion of the credentials of the Senators from Arkansas. But the Senate was not disposed to enter upon the subject of reconstruction then. Sumner took no part in the discussion farther than to offer a resolution in which he named the three conditions of reconstruction as, cessation of hostilities, the adoption of a constitution, republican in form, and an act of Congress declaring the State entitled to representation. But he did not press it. The credentials of the Arkansas Senators were referred to a committee and were not reported back.

The contest had been a hard one for Sumner and he was given the credit of defeating the resolution. It was a square defeat of reconstruction, under the direction of the President alone and without the action of Congress. It was an emphatic assertion of an intention to extend the right of suffrage to the colored people of the South. Had the resolution succeeded they would probably never have had this right. Reconstruction having been inaugurated without it, it would probably have continued so to the end, leaving them in the condition in which the war found them in this respect. To Sumner therefore is due the credit of turning the tide in their favor at an opportune moment. Having placed his hand to the plow he never turned back, until the work was complete and the colored people enjoyed the right to vote.

With the friends of the resolution there was some bitterness towards Sumner for defeating it. It disturbed the relations between him and Trumbull for some years, though they were finally reconciled and their former friendship was renewed. It was supposed it would destroy the good relations between Sumner and President Lincoln. One newspaper said that Sumner

"had kicked the pet scheme of the President down the marble steps of the Senate Chamber" and that their friendship was at an end. Another said that the President was indignant at his course and had reverted to the subject repeatedly in the presence of strangers. It was freely commented on, in Washington, in this way. But the people who spoke so did not know President Lincoln. As Sumner himself put it, "President Lincoln was too good a man to be influenced by an honest opposition on political grounds." The public were soon to be disabused of such an idea. He was a man of the broadest views and of the most catholic toleration. He had too often suffered unjustly for opinion's sake to be willing to punish others for a conscientious difference with him. Petty malice found no place in his nature. "I shall do nothing in malice," he once wrote. "What I deal with is too vast for malicious dealing."

The session of Congress closed on the fourth day of March. On that day President Lincoln was inaugurated for the second time. It was Saturday. The newspapers were still discussing the rupture between Lincoln and Sumner growing out of the defeat in the Senate of the recognition of Reconstruction in Louisiana. On the fifth of March Sumner received from the President an autograph note asking him to accompany the Presidential party to the Inauguration Ball on the following evening, inclosing a ticket and saying their carriage would call for him at half-past nine. At the appointed time the carriage called and as the Presidential Party entered the hall, the President was seen on the arm of Mr. Colfax, Speaker of the House, and following them was Mrs. Lincoln on the arm of Mr. Sumner. Then in succession came other members of the party, Cabinet Ministers with their wives and some of their families and others. The circumstance was the occasion again of a discussion, by the newspapers, of the relations between the President and Sumner. And it was now admitted, that their friendship was not of the kind to be disturbed by a conscientious difference on public questions, however important.

Sumner remained in Washington, according to his custom, for some weeks after the close of the session to get up his correspondence and to study questions arising in the Senate. He was much interested now in reconstruction and other measures that the close of the war was bringing forward. During these days he called often at the White House to see the President upon matters of business, and received many proofs of his friendship.

One important matter of business concerned the arrest and prosecution of two Boston merchants, Benjamin and Franklin

Smith, partners as Smith Bros. & Co. They had been arrested by order of the Navy Department on a charge of fraud, in the performance of their contracts with the Department and confined in Fort Warren at Boston Harbor. Bail to the amount of half a million dollars was required, which was afterwards, however, reduced. They were ordered to be tried at Philadelphia, Pennsylvania, by a court martial, but the place of trial also, was afterwards changed to Charlestown, Massachusetts. The trial lasted several months. It ended in a conviction of the defendants and a sentence to imprisonment for two years and to pay a fine of twenty thousand dollars. This judgment and sentence was approved by the Secretary of the Navy; and it only remained to be approved by the President. But the friends of the defendants asked Sumner to intercede with the President. The President, in reply to Sumner's inquiries, placed in his hands the elaborate report of the Secretary of the Navy on the case which he asked Sumner to read and give him an opinion on it. This Sumner did in writing.

The contract of the Government with the defendants for the sale of supplies involved a million or twelve hundred thousand dollars and the specification which was claimed to be proved to sustain this charge of fraud was in certain tin furnished under the contract which, it was claimed was not of the kind designated. For the defendants, it was insisted that the whole trouble grew out of a confusion of names, the tin being known to the trade by two names. It was conceded on both sides that the fraud, if a fraud, only amounted to about two hundred dollars. The President disapproved the sentence and discharged the defendants, saying that to his mind, it was beyond the power of rational belief that, on a contract involving so much the defendants would attempt a fraud that could profit them so little.

Nothing can better illustrate the great President's way of throwing off care than the circumstances attending the disposition of this business. When Sumner reached him with his written opinion, it was late in the evening and the President was just entering his carriage for a drive. He took the papers from Sumner, telling him to return the next day and consider it with him. But, urged Sumner, it is a case for immediate action. If you had been tried and subjected to large expense and disgrace and had been unjustly convicted and imprisoned and yet your innocence was proven, you would not wish any one to sleep until you were set free. The President apparently impressed with this suggestion, told Sumner to return at eleven o'clock and he would take up the case with him. Accordingly at eleven

o'clock that night, through a torrent of rain, with streets flooded with water and a storm of wind threatening a downfall of chimneys upon him, Sumner wended his way to the White House, where he found the President ready to hear him. Sumner read his opinion and discussed the case with the President. It was twenty minutes past twelve when they finished going over it together. The President then said he would prepare his decision on it by morning and to come over and hear it, "when I open shop." "And when do you open shop?" asked Sumner. "At nine o'clock," was the answer. Promptly at the hour fixed, Sumner was there and was admitted. The President read him his indorsement on the papers and while Sumner was making an abstract of it, the President broke into quotations from Petroleum V. Nasby and added: "For the genius to write these things I would give up my office as President." Seeing that Sumner was not familiar with them, he went to a standing desk and opening it took out a pamphlet collection of the letters and proceeded to read from them to Sumner with evident enjoyment, apparently losing all thought of the case in hand and of his Presidential duties. So he continued for perhaps twenty minutes, when Sumner thinking there must be others waiting for him arose to go. He found some thirty persons, among them Senators and Representatives, waiting for the President, in the anteroom, as he passed out. Though in the company of the President much, in the intervening days before his death, this was the last official business Sumner transacted with him.

He accompanied the President and Mrs. Lincoln to the theatre the last time he was there preceding the assassination and on her invitation he accompanied her, with some other friends, to meet the President at City Point, where the President was, on his return from Richmond, during the closing days of the war. Leaving the President there, they went on to Richmond where, accompanied by an escort of cavalry, they visited places of interest, among them the capitol, where Sumner got the gavel of the Confederate Congress. He purposed to give it to Secretary Stanton. The President hearing of it, said jokingly to Speaker Colfax that he ought to have it. "Tell Sumner from me to hand it over," said the President laughing. The party visited the tent hospitals at City Point, where Sumner saw the President shake hands with five thousand sick and wounded soldiers and when done the President told him his arm was not tired. They returned together to Washington on the Steamer *River Queen*. The party was a small one and they breakfasted, lunched and dined together. The day was fine,

the water was clear and beautiful; it was Sunday and every thing was peaceful and quiet as the little steamer wended her way homeward. Everyone was happy. The long years of the war were closing. The storm was over and the bright bow of promise was in the sky. All were looking forward joyfully to the future.

Sumner has given us some glimpses of his own, of the President during the journey homeward. "He was never harsh," he said, "even in speaking of Jefferson Davis; and when one (Mrs. Lincoln) who was privileged to address him in that way said, 'Do not allow him to escape the law, he must be hanged,' the President replied calmly, in the words so beautifully adopted in his last Inaugural Address, 'Judge not, that ye be not judged;' and when pressed again, by the remark that the sight of Libby Prison, which they had both recently visited in Richmond, made it impossible to pardon him, the President repeated twice over the same words."

And again: With a beautiful quarto Shakespeare in his hands, he read aloud the well-remembered words of his favorite 'Macbeth':—

"Duncan is in his grave;  
After life's fitful fever, he sleeps well,  
Treason has done his worst; nor steel, nor poison,  
Malice domestic, foreign levy, nothing,  
Can touch him further."

"Impressed by their beauty, or by some presentiment unuttered, he read them aloud a second time. As the friends about listened to his reading, they little thought how in a few days what was said of the murdered Duncan would be said of him. 'Nothing can touch him further.' He was saved from the trials that were gathering. He had fought the good fight of Emancipation. He had borne the brunt of war. Treason had done its worst, but he had conquered. He had made the name of Republic a triumph and a joy in foreign lands."

Sumner recalled his speech at Springfield: "'A house divided against itself cannot stand.' I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved, I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or all the other." Sumner asked him if, at any time, he had any doubt about his prediction. "Not in the least," answered the President. "It was clearly true and time has justified me."

They reached Washington about six o'clock in the evening of

April ninth. Sumner did not see the President again until he was dying. A message from the White House with some flowers, the next day announced the surrender of Lee and another on Tuesday invited Sumner to view the celebration of the victory with the Presidential party. But he did not accept. Nor was he at the White House two days later on the occasion of another celebration, when General Grant was there. On the fatal night, Friday April fourteenth, Sumner was at the house of Senator Conness of California engaged in conversation with him and Senator Stewart of Nevada, when some one, rushing in from the street, announced that the President had been shot and that an attempt had also been made to assassinate Secretary Seward. Sumner at once went to the White House and getting no information there went on to Ford's Theatre and then to the house opposite where the President had been carried. The President was shot at twenty minutes past ten and Sumner reached him about thirty minutes later. The President never recovered consciousness, giving no evidence of life, but deep, labored breathing, until twenty-two minutes past seven, the next morning, when the breathing ceased and the work of the assassin was complete. Sumner remained at his bedside, until he died, a deeply affected witness of this sad scene, with which the war was closing. When the end came, he was standing at the head of the bed, supporting Robert Lincoln on his arm. He had borne himself well through the trying ordeal but on two occasions gave way to overpowering grief and sobbed aloud, turning his head and leaning on Sumner's shoulder. After all was over, Sumner quietly left the house.

As he passed out into the gray dawn of the drizzling morning he met General Halleck, whose carriage had been in waiting, just getting into it. Sumner got in beside him to go to Mr. Seward's. On the way they stopped at President Johnson's, where General Halleck told him of President Lincoln's death and warned him not to go upon the street without a guard. At Mr. Seward's, Sumner inquired for the Secretary and his son, who were both victims of the same plot. Mrs. Seward answered his card. Her friendship had been so constant for Sumner during his early years in the Senate, that it affected him deeply to see her sick yet subjected to the additional trial of the probable loss of her husband and son. It was the last time he saw her. The blow probably hastened her end. The husband and son recovered but for her—the shock was too great!

By eight o'clock Sumner was at his own apartments, where he found guards stationed by order of the Secretary of War,

who feared that Sumner, by reason of his prominence against Slavery and for the prosecution of the war, might be among those marked for destruction. Here, weary and sad, he seated himself, at last, to reflect on the scenes of the night. His first thought filled him with new loathing for the barbarism of slavery. The meal prepared stood untasted before him, as he sat, bowed down with sadness, over the irreparable loss, but grim and determined as ever. The nature of the great and good President was so essentially humane and he had seen it lately proved so tender towards the conquered enemy that it was hard to believe that madness could be carried so far as to compass his death. Yet he was reminded that his death would do more for the cause than any human life. And what was any single life compared with the cause!

During the coming days, Sumner was several times at the White House to express his sympathy for the stricken family of the President and to aid them in such kind offices as he could. The widow broken-hearted seemed to turn to the cherished friend of her husband and herself, so loyal, as they all knew, in the dark days as well as in the happier ones. When she left Washington she gave Sumner two tokens of her husband, the one a picture of John Bright, the friend of Sumner whom he had brought so near to her husband. He was the friend of their country too. It was a small picture that he had prized. The other, his cane, which she was sure he would treasure as connected with his memory. She accompanied the latter with a short note reminding him of his kindness to them and their regard for him.

President Lincoln died on Saturday April 15. On the following Monday at noon, a meeting was held, in the Senate Chamber, of the Senators and Representatives remaining in Washington, for it will be remembered neither House was in session. The purpose of the meeting was to take appropriate action upon the death of the President and make arrangements for the funeral. The President *pro tem* of the Senate was Chairman and the Speaker of the House was Secretary. The object of the meeting was stated by Senator Foote of Vermont and, on motion of Sumner, a committee was appointed, of which he was made chairman, to report at four P. M., on the proper action of the meeting. The committee reported a list of pall bearers and a Congressional Committee of one for each State to accompany the remains to Illinois, and also reported resolutions, drawn by Sumner, expressing their veneration and affection for the dead President, with an estimate of his character and asking the President by proclamation to recommend

a day for the people of the nation to assemble and commemorate his life. President Johnson accordingly appointed June first as the day. Sumner was invited by the Municipal Authorities of Boston to deliver the oration, in that city, on this commemorative occasion and he accepted the invitation.

The oration opened with the solemn words: "In the universe of God there are no accidents. From the fall of a sparrow to the fall of an empire or the sweep of a planet, all is according to Divine Providence, whose laws are everlasting. No accident gave to his country the patriot we now honor. No accident snatched this patriot, so suddenly and so cruelly, from his sublime duties. Death is as little an accident as life. Never, perhaps, in history has this Providence been more conspicuous than in that recent procession of events, where the final triumph is wrapped in the gloom of tragedy. It is our present duty to find the moral of the stupendous drama."

It was the second time in the history of the country that the President had appointed a day for such observance. The first was on the occasion of the death of Washington. This fact suggested a comparison between the two Presidents, Washington and Lincoln, which Sumner dwelt upon for some minutes. The one was of high birth and lofty lineage surrounded from childhood to the day of his death by all the accompaniments which wealth and position could furnish; the other, he said, was the child of poverty and privation inured from birth to manhood to the hard circumstances of frontier life, born in a log cabin, his grandfather had been killed by Indians and his father had followed the frontier westward, first from Kentucky to Indiana and later to Illinois, the son helping to split the rails and daub the cabins for the new homes. In this hard life he was reared till "at the age of twenty-one he left his father's house to begin the world. A small bundle, a laughing face, and an honest heart,—these were his simple possessions, together with that unconscious character and intelligence which his country learned to prize." Yet both Washington and Lincoln fought the battles of the nation in its two greatest wars; the one, for national independence and the other, for national unity, on the basis of liberty and equality.

Sumner then traced Lincoln's career as he appeared in succession, flat-boatman, captain in the Black Hawk war, surveyor, member of the Legislature, attorney and Congressman, always upward with no step backward till he reached the high places of earth. He dwelt at length upon the debate with Douglas and his later speeches against slavery, especially upon his utterances on the great truth of the Declaration of Independence,

that all men are created equal. Sumner was fresh from his struggles in Congress for the equal rights of the blacks and their recognition, in the suffrage of the States lately in rebellion, and he pointed with emphasis the lesson on this question as drawn from the speeches of Lincoln. The eulogy has been criticised for dwelling unduly upon this subject. It is urged that Lincoln did not have this question in his mind at the time he made the speeches. It is sufficient answer to say that the premises from which Lincoln reasoned could admit of no other conclusion and though he was at the time arguing against slavery he recognized the logical conclusion, at the time of his death, as applied to suffrage. He had not reached the conclusion of Sumner that it was to be secured by act of Congress as a condition of reconstruction but probably inclined to the belief that the States themselves by local legislation were the proper parties to deal with the question. He had himself suggested colored suffrage, extended to certain classes, "the very intelligent and especially those who had fought gallantly in our ranks." But Sumner recognized in this, as in other questions a certain slowness of Lincoln in reaching conclusions as one of his limitations, compensated, however, by his tenacity in adhering to his convictions when once formed.

He dwelt upon Lincoln's entrance to the White House full of anxious solicitude and with a devout trust in Providence as he approached a duty greater than had devolved on any other since Washington, State after State abandoning its place, Senator after Senator dropping from his seat, fort after fort seized with their munitions of war "while the actual President, besotted by slavery, tranquilly witnessed the gigantic treason, as he sat at ease in the Executive Mansion, and did nothing."

So he followed Lincoln as henceforward his history became the history of his country, through the steps of the war, pausing to dwell particularly upon his proclamation giving freedom to the slaves and his careful avoidance of a European war, meeting each situation with masterful ability to the last. The address increased in interest as he came to the last days when together they had viewed the closing scenes of the war and felt that peace was assured, that the struggle was over and what remained was as gathering up the hard-earned sheaves of the harvest. He dwelt upon his character, his loyalty to principle, regardless of consequences to himself, his caution in reaching conclusions, his firmness in maintaining them, his power of speech and thrown around all, and enlivening and pointing all, his humor and his unfailing common sense. He recalled how modest and approachable he was, always accessible to the widow

and orphan, the sick and the wounded, or the prayer of the lowly. His place in history he likened to that of William of Orange, or of Henry the Fourth and Saint Louis of France.

The address upon the whole must be classed as one of Sumner's best eulogies. The style is elevated throughout, the diction and finish is noticeably fine, even among his works where it is generally noticeable; and there runs through it a solemnity and a trust in Providence, as the ruler of men as well as of nations, that gives it a marked effect. It bears everywhere evidence of care in its preparation. At the time of its delivery there was a disappointment felt. Contrary to his custom theretofore, in his addresses at Boston, it was read and closely too, so that its effect, at the time, was not as marked as it would have been, if delivered without the use of a manuscript. Even his reading was not easy. He omitted his former care for oratorical effect and seemed content to reach his impression upon the wider audience, by means of the newspapers. He preferred to devote the time at his command, for its preparation, to making it worthy of a permanent place in literature. And it is from this standpoint that it should be viewed. By those most competent to judge, it has been placed in the front rank of the eulogies upon Lincoln and it deserves to be classed with the best of our mortuary literature.

After this narrative of the relations of Sumner and Lincoln it is hardly necessary to notice a statement of Nicolay and Hay in their biography of Lincoln that there was a movement against Lincoln to force him to withdraw from the Republican ticket in 1864 when a candidate the second time and that this movement "had the earnest support and eager instigation of Henry Winter Davis of Maryland, of the editors of the Cincinnati Gazette of Ohio, and what would have surprised Mr. Lincoln if he had known it, of Charles Sumner of Massachusetts." Sumner did share with many good men, during the earlier years of the war, doubts of Lincoln's fitness for the place, owing to a certain slowness and apparent want of decision. The want of success of our arms at that time perhaps contributed to this feeling. But he declined to sign any paper or take any part in any action against him, believing that, if any movement towards a different candidate was had, it should be through the voluntary withdrawal of Lincoln himself. He insisted that if Lincoln did not do so, that then all should rally around him and elect him. Any other course he believed would disunite the party and threaten defeat. The adoption of the Chicago Platform by the Democrats, declaring the war a failure, following the victories of Gettysburg, Vicksburg and

Atlanta, Sumner thought, acting like an overdose of arsenic, would cure itself. Through it all, he was loyal to Lincoln. He would do nothing against him. He would act only with him. He spoke at a meeting called in Faneuil Hall to ratify the nomination, at Cooper Institute, in New York City, at various places in Massachusetts and in Connecticut, during the campaign, and also at a meeting called in Faneuil Hall for congratulation on the evening of the election, on each occasion with his old-time earnestness and success.

Therefore I adopt the statement of another biographer of Lincoln, Isaac N. Arnold, a Member of Congress from Lincoln's own State during the war and his warm personal friend, as expressing the true relation of Lincoln and Sumner. "Mr. Sumner," he says, "had become the sincere and confidential adviser of Lincoln. These two men, in many respects so unlike, became the most ardent and affectionate personal friends. They rode and walked together and seemed to enjoy each other's society like brothers, Sumner the scholar and man of conventionality, the favorite American of the English aristocracy, found in Lincoln one that he admired and confided in above all others."

## CHAPTER XXXII

### RECONSTRUCTION UNDER JOHNSON—HIS CHARACTER—SUMNER'S WORK FOR EQUAL RIGHTS—THE FOURTEENTH AMENDMENT—SUMNER AND THE PRESIDENT—EULOGIES ON COLLEAGUES

THREE hours after the death of President Lincoln, his successor was inaugurated, at his apartments in the Kirkwood Hotel, in the presence of the members of the Cabinet, who were able to attend, and of the Senators, who remained in Washington. It was fortunate that Vice-President Johnson was in the city, at the time of the assassination. He had come to Washington only five days before and it was his intention to leave within a few hours after the assassination occurred. His absence would have furnished a better opportunity for a political disturbance. As it was, the power passed quietly and peacefully from the hand of one ruler to that of another and so quickly that almost with the news of the assassination, the word of the inauguration of the new President reached the people. Little did they then realize the change that was thus wrought, in the policy of the administration! For there has never been a more radical change made, in our national policy, than was made when the power passed from the hand of Abraham Lincoln to that of Andrew Johnson.

It was remarked, at the time the oath was administered, by Chief Justice Chase, to President Johnson, he made no expression of an intention to follow the policy of his predecessor. Though such a statement was made, in a speech to a sorrowing delegation from President Lincoln's own State, a short time later, on a revision of the speech, by President Johnson it was omitted, thus showing that, while the subject was thought of, he was not prepared to commit himself to it. To men of a later day, this hesitation seems unaccountable. President Lincoln had reached such an assured place, in the hearts of the people, that almost any policy suggested by him would have been received, by a great proportion of the country, without question. His conduct of the war had been eminently successful and satisfactory to the North and his administration had been recently indorsed by a renomination and a triumphant re-election. President Johnson's failure to express himself in

favor of a continuance of the same policy, can only be explained, by a conviction, that it was hardly in harmony with his own opinions or those of his confidential advisers, at the time, or else that he was not prepared to commit himself to any policy.

It must be confessed that he assumed the Presidency at a difficult time. The war was closed. The settled policy of a vigorous prosecution of it, which had been pursued, was now at an end. The questions of reconstruction and the care of the freedmen were comparatively untried. Such questions had never before appeared, except during President Lincoln's administration, and then only discussed; they were not settled. Consequently there was no precedent by which he could be guided. The respect and affection that had come to President Lincoln during the four years of his life of trial, in the White House, could not of course be transferred to another. Instead came the cold, critical regard that usually meets a new and untried man. It, perhaps, came to Johnson in added measure.

His career thus far had been mainly an honorable one. He was born in North Carolina and belonged to the class, known in the South as "poor whites." He was brought up to the trade of a tailor. In early life he removed to eastern Tennessee. He learned to read in his fifteenth year. He was successively Mayor of his town, Member of the Legislature, five terms a Member of Congress, two terms Governor of his State, and a United States Senator—and all these before he was fifty years of age. He entered the Senate in 1857. Sumner was still suffering from the Brooks assault and consequently was much of the time, absent from his seat. He continued in the Senate, until March 1862, when he left at the earnest solicitation of President Lincoln to accept the difficult post of Military Governor of Tennessee. When that State had adopted the ordinance of Secession he refused to be bound by it or to enter the Rebellion. While every other Senator followed the fortunes of his state, he alone of the twenty-two from the eleven Confederate States, remained firm. He filled the office of Military Governor under circumstances of peculiar difficulty, and often peril, with such ability as to attract the attention of the North and lead to his nomination to the Vice-Presidency. He had gained the implicit confidence of President Lincoln, who, at his suggestion, omitted the State of Tennessee, from the operation of the Proclamation of Emancipation. After he had filled the office of President, with all the warring incidents of the Impeachment proceedings, and had retired to private life, he was returned, by his State, to the United States Senate and died in

that office. This career, of almost uninterrupted success, shows him at least to have had some strong points.

But it brings out one trait of character, in strong relief. No man would have been the only one of twenty-two Senators, to stand out, in an independent career of his own, under such circumstances, as surrounded him from 1857 to 1862, and at the expiration of that time to have assumed and maintained the perilous post of Military Governor of a State, over which the hot surges of such a Rebellion were rolling back and forth, without having some tenacity of his own opinions, when once soberly formed. Whatever other faults he may have had, no one has accused him of vacillation. But it has been curiously enough observed that in the brief inaugural that he pronounced, when assuming the office of President, occupying in its delivery hardly five minutes, "I" and "my" and "me" occurred at least twenty times.

One of the peculiarities of his career is, that though born and continuing to live in a slave State, he was never in sympathy with slavery. He realized that slaves were held by a very few owners, powerful and tyrannical in disposition, but, if resisted, without the power to sustain their pretensions. His own section of Tennessee was in the rough and mountainous, but fertile eastern portion of the State, devoted to small farming, but ill fitted to slave labor. Johnson's quick eye caught the situation and his influence was generally thrown to measures to benefit the plain people, the small farmers or the poorer classes, rather than with the owners of the great plantations. He powerfully advocated, and is credited with being the author, of the homestead policy of the Government;—one hundred and sixty acres of land to the actual settler—in the distribution of the unimproved land of the West, a policy necessarily fatal to slavery, which could only thrive on large plantations. Though a Southern Senator, he denounced Secession, with vigorous boldness. While a Member of the House, in 1847, he arose, as John Quincy Adams, then near the close of life, entered; and publicly tendered him the choice of his seat, that venerable commoner having been detained, by sickness, from appearing, at the opening of the session, to make a choice of one for himself.

While in the Senate, his membership being comparatively new, he was not much given to speech making and his part in the work was not a conspicuous one. When he came to the Presidency, Sumner's acquaintance with him was only slight. At the death of President Lincoln, he was stopping at the Kirkwood Hotel, in Washington, but he then removed his lodging

to rooms, in the house of Samuel Hooper, a Member of Congress from Boston, and opened a temporary office, for business, in the Treasury Building. He continued to occupy these quarters during the time President Lincoln's family remained in the White House. Appreciating the importance of his influence upon the questions of reconstruction, Sumner lost no time, in seeing him and mentioning the subject. They met almost daily and the subject was repeatedly talked over. Sumner was fearful of the future, in the new President's hands, and he a Southerner, realizing that, though the hard, costly war was over, the fruits of it still remained to be gathered. Sumner did not wish to see rebels restored to place and power without some guarantee for the future. He feared that the President, who had been kept from Washington, during the previous three years, by his duties as Military Governor of Tennessee, was too little familiar with the work in Congress, upon reconstruction. Indeed subsequent events showed that President Johnson, at this time, had no fixed convictions of his own, upon this question.

During the first few weeks in the office, in the numerous off-hand speeches that he made, he talked much of treason and the punishment of those who had been in rebellion,—so much, that it became monotonous to thoughtful men, who knew that the class was too large to think of such a course. But he said nothing of reconstruction. Chief Justice Chase suggested to Sumner that they try to give him another topic. Together they called on him and urged him to say something for the equal rights of the colored men. He seemed somewhat reserved, but not more so than his position would suggest. The Chief Justice afterwards remarked how his countenance lighted up, when Sumner appealed to him to carry out the Declaration of Independence. They both left him satisfied of his good intentions. A few days later, in a conversation with Sumner alone, he assured him there was no difference between them on the suffrage question. Sumner expressed his gratification at this declaration of the President and added the hope that there should be no division of the great Union party, that there should not be some called "the President's friends," and others, "the opposition," but that all should be kept together. The President promptly replied, "I mean to keep you all together." In describing his feelings afterwards, Sumner said, as he walked away from that interview with the President, he felt that the battle of his life was ended. If the President declared himself for the equal rights of all, he thought the cause would be carried by his influence.

But at another time when the case of Tennessee was dis-

cussed, Sumner urged the President to use his influence for the establishment of equal suffrage, in the State, so that it could be used as an example, to which the other returning States could be made to conform. But to this, the President made answer, that if he were at Nashville he would see this accomplished. This hesitation disturbed Sumner. It appeared to him like a disposition to evade the question. Sumner answered him that though at Washington, the President had the long end of the lever, with which, by his power and merely expressing his desire, he could control measures even at Nashville. Sumner recurred to the subject again, with the President, when about to leave Washington, for the summer. It was about the middle of May. He apologized for returning to the subject so often. But the President interrupted him pleasantly with the question, "Have I not always listened to you?" Sumner promptly replied that he had. He then proceeded, at some length, to point out to the President the manner in which his temporary power, as Commander-in-Chief of the Army, over a district under military control, could be exercised, viz., by controlling the newspapers by choosing, as Military Governors, men of known devotion to equal rights so as to educate the people for it, by encouraging the people of the South to engage in useful labor and abstain from politics, and thus, keeping the district under good influences, to hand over the subject of reconstruction and equal rights to Congress, where it properly belonged. The President listened to it all attentively and received it, in perfect kindness. Sumner went home feeling there would be no trouble, so far as President Johnson was concerned. He assured friends, that he met and with whom he conversed, on the subject, in Boston, that the President was in harmony with his views and that the cause of equal rights was safe, in his hands.

But by the first of June, less than two weeks after Sumner left Washington, all these hopes were dashed, by two public proclamations of the President. They were issued on the twenty-ninth day of May. The first was a proclamation of amnesty and pardon to all Rebels, excepting however certain classes, who by reason of their rank or the aggravated character of their acts were deemed most guilty, but even these were encouraged to apply to the President, for a specific pardon. In less than nine months, from the date of the proclamation, nearly fourteen thousand of the most prominent men in the South, applied for and received these individual pardons, from the President. By this means a constituency of qualified voters was created in the South. The second proclamation was to appoint William W. Holden provisional Governor of North Caro-

lina, who was to assemble a convention to amend the constitution and exercise the powers necessary to enable the loyal people to restore the State to its constitutional relation to the Federal Government. This proclamation confined the right to vote to those white men who were qualified under the laws of North Carolina, at the commencement of the war, thus at one blow ending the question of equal suffrage to the blacks and placing the whole matter in the hands of the men who had lately been in rebellion. Both of these proclamations assumed the power of the President to dispose of the whole subject of reconstruction and ignored the authority of Congress over it. The Secretary of the Treasury was directed to nominate collectors of customs, the Postmaster-General to establish post-offices, the United States Judges to hold courts, and the Attorney-General to enforce the administration of justice, in all matters within the jurisdiction of the Federal courts. On June thirteenth, a similar proclamation was issued to reconstruct the government of Mississippi, with William L. Sharkey as Governor; on June seventeenth one for Georgia, with James Johnson for Governor; on June twenty-first, one for Alabama, with Lewis E. Parsons for Governor; on June thirtieth, one for South Carolina, with Benjamin F. Perry for Governor; on July thirteenth, one for Florida with William Marvin for Governor. These were all on the same plan as North Carolina.

It is interesting to note, who some of the Governors were, in order to see whether the President had followed Sumner's advice, to appoint men known for devotion to equal rights, so that their names alone would be a proclamation,—men like Carl Schurz whom Sumner suggested for one. Holden, appointed Governor of North Carolina, was a member of the convention which adopted the ordinance of secession and he signed that article. Perry, the Governor of South Carolina, held a judicial position under the Rebel Government and was one of its Commissioners of Impressments. Parsons, Governor of Alabama, was a member of the Confederate Legislature of that State and introduced in it resolutions, thanking Jefferson Davis "for his good labors in the cause of our common country, together with the assurance of continued support."

The President recognized the Pierpont government of Virginia, sitting at Alexandria, whose Senators had already been refused seats in the United States Senate, and whose records and archives, Thaddeus Stevens afterwards said, were taken, at the close of the war, to Richmond, in an ambulance. President Lincoln's "ten per cent. governments" in Louisiana, Arkansas and Tennessee were all of them recognized as legal, though as

we have seen, the Senators of Louisiana and Arkansas had been rejected by the Senate, and those from Tennessee had not yet applied for their seats, but would certainly meet the same fate, when they did.

Thus, within three months after Johnson assumed the duties of the Presidency, his whole scheme of reconstruction had been worked out and put in operation. He, in this, showed the merit of dispatch, at least,—if dispatch be a merit, in the disposition of such weighty concerns. The President had accomplished, in three months, what Congress had already wrestled with, for much of two years, and was destined to struggle with for several years to come.

But it was apparent, that, if the work of the President stood, the freedmen had no chance of improvement. Their old masters before the war, were thus restored to power. The same men, who held the ballot then held it now. Their disposition towards the colored men had not changed. They could not be expected to place the ballot in the hands of men who had lately been their slaves and been given freedom as the result of a gigantic war, in which they had been conquered. They could only be expected to perpetuate themselves in power, and this could certainly be best accomplished by keeping the colored men out. The danger was that they would go farther and by hostile legislation reduce them to a condition of peonage and thus the hope of men, like Sumner, be blasted, that the colored men if given the ballot, would be able to take care of themselves and strengthen the Union.

The immediate results showed that these fears were well-founded. Instead of drafting new constitutions adapted to the changed conditions in the South the constitutional conventions in the reconstructed States took their old ones, made a few changes and readopted them, with all their odious class distinctions. One thing they uniformly did, was to abolish slavery. But for this, they could hardly claim credit, for it was now apparent it would soon be abolished by the amendment to the Federal Constitution, which had been proposed by Congress and was being promptly ratified by the States. President Johnson, indeed, advised them to admit, to the right of suffrage the colored men who could read and write and such as owned and paid taxes on property valued at two hundred and fifty dollars, but in the same letter, that he advised this, he gave as his reason that it was to placate "the Radicals who were wild upon negro franchise" and would foil their attempt to exclude Senators and Representatives, elected in the reconstructed States, from Congress. He showed both his private feeling on the question

and the unworthiness of his motive in suggesting what he did. But he virtually said to the South; this question is all in your hands, to do with it as you may deem best; the nation cannot control you in your solution of it. And having given them this cue he could hardly have a doubt what they would do. They promptly accepted the hint and did what they felt the President in reality wished, left them all without the franchise.

The results were soon seen. The offices were quickly filled, with men who had lately been prominent in the Rebellion. Raphael Semmes, the commander of the Rebel vessel, the *Alabama*, was chosen a Probate Judge in the State whose name that ship had carried so long and so widely and with such disastrous results to the North. Herschel V. Johnson, a Confederate Senator, and Alexander H. Stephens, Vice-President of the Confederacy, were sent to the United States Senate from Georgia. In New Orleans the man who was Mayor, when the city was captured from the Confederacy, was returned to that office under reconstruction. The war had impoverished many of these men, others were crippled and maimed and the South, while appreciating the cause, in which they suffered, had no other means to reward them than this. The failure of their undertaking left a pension out of the question. So long as their section remained in the control of its ancient masters they had all these offices at their disposal. If the colored people, largely in the majority in many of the election districts, were given the suffrage and they chose to exercise their right, this power to dispose of them would be taken away.

These results, rapidly brought about, by President Johnson, were viewed with consternation by the advocates of equal suffrage, in the Senate and House, now at their homes, during the recess of Congress. Their effect upon Sumner can easily be imagined. He had left Washington feeling that the President was sound upon the subject of reconstruction and that the rights of the freedmen were safe in his hands. He had so assured his friends upon his return to Boston. He was now convinced otherwise. The revelation came with stunning effect. Many Republicans had not yet reached the conclusion that equal suffrage should be accorded the freedmen. To them, the President's position did not seem of so much importance. They hardly differed from him. Public opinion upon the question was still so unsettled that the President was hopeful of carrying the body of the Republicans with him. When he issued his proclamation, he did not expect to break with his party. He evidently thought then, he could carry with him all of it,

except a few of radical views like Sumner, Wade and Thaddeus Stevens. But the sentiment was growing. Sumner was leading it. He was determined. To him more than to any other the colored people owe the right of suffrage which they now enjoy.

The inquiry naturally suggests itself, how did the President come to make this sudden and radical departure from the views he had early expressed to Sumner and repeated to others. The answers are various. No one of them can certainly be said to be altogether correct. One, that obtained a good deal of credit, is that when Johnson took the oath of office, as Vice-President, he appeared publicly intoxicated and, continuing so afterwards, he was taken charge of by Preston King, a Senator from New York, and the Blairs, father and son, of Maryland. He was taken to the home of the latter, at Silver Springs, a few miles from the city of Washington, and cared for until his recovery. Hence arose a friendship, which counted for much, upon his accession to the Presidency, a few weeks later. They were opposed to equal suffrage. The President may have felt some bitterness towards other Republicans, who had witnessed and commented severely on his lapse. Sumner, who was always swift to condemn such an exhibition, by a public man, said privately, at the time, that he ought to be waited on, by a committee, and asked to resign. Such remarks may have been repeated to the President by persons interested in controlling him.

Another explanation, and I think a better one, is this. When Johnson came to the Presidency he had no well-fixed opinions of his own, upon reconstruction. His mind had been occupied with the war and the treatment of the rebels. The death of President Lincoln coming with startling suddenness and elevating him to the dizzy heights of the Presidency, without time for meditation, he talked a good deal at random during his first weeks in the office. Indeed his speeches were not generally creditable to him, during the Presidency. About the time Sumner left Washington, Secretary Seward was recovering sufficiently from his injuries, to give attention to public business. The President had his first official business with him on May tenth. Nine days later, they met at the State Department. From this time forward, they were together often. Seward admitted he advised the President to pursue this policy. He was afterwards an open supporter of it. No one who knew the Secretary intimately, doubted his power of persuasion, in private conversation. It was said by those best able to judge, that notwithstanding his great ability at the bar and on the stump, this was his greatest gift. He doubtless had, in his

own mind, to signalize his return to health, by persuading the President to issue a proclamation of amnesty and pardon to those who had been in rebellion. It would appear a graceful act for one who had been so near death's door, at the hand of an assassin. He doubtless pictured to the President the peculiar propriety of his doing it. He had been born and reared in the South, it had always been his home. He had taken a manly part in opposing secession, had pointed out its fearful consequences; now too sadly realized. He had bravely maintained the Union against a mad career that he could not control, and had prevailed. It would be a graceful act for him, now at the height of power, to forgive his erring brothers. Did not the President also see that it would secure him the favor of the old slave-holding class, who had always held aloof from him, as the offspring of the poor white class, and not the equal of their set? He had struggled to power against them, but their praises now would be sweet; and it would be sweeter still, when his official life was ended, to return to their midst and enjoy a homage to which distance thus far had always lent enchantment. In the hands of a skilful diplomat as Seward undoubtedly was, the situation furnished many suggestions that could be forcibly plied. Doubtless more than any other, the Secretary is to be held responsible for the change wrought in the opinions of the President. Sumner himself attributed the change to Preston King, the Blairs and the Secretary.

The serious question with Sumner was how to remedy the evil that was being done, Congress not being in session and several months remaining before it would reconvene. It was suggested that he go on to Washington to interview the President; but he felt it was too late. The mischief was done before he knew of it. The proclamations furnished him the first information. But he went promptly to work in other ways. In his eulogy on Lincoln, delivered only two days after the date of the first proclamations, at the risk of criticism, he boldly referred to and briefly advocated equal rights and suffrage for colored men. Copious extracts from the eulogy were published, in the newspapers, and were widely read, thus calling attention to the subject and giving early direction to public sentiment in Massachusetts. He wrote several letters during the summer, which were published, in which he expressed himself for equal rights, including suffrage for the colored people. One of these was to the Mayor of Boston, in response to an invitation to deliver the city oration on the fourth day of July; another, to a committee of colored men of Savannah, Georgia, who had forwarded him a petition for the right to vote "signed personally

by their own hands," as they pathetically described it. In his reply Sumner urged them to never neglect their work, but meanwhile prepare themselves for citizenship and to be assured their rights would be protected. He wrote more at length and more emphatically on the subject to the New York Independent. In this letter he said, "President Johnson spoke well, when in Tennessee he said that, 'in the work of reorganization Rebels must take back seats, leaving place to those who have been loyal.' There is a keynote of a just policy, which I trust Congress will adopt. It is difficult to measure the mischief already accumulated from the policy that has been pursued."

On the fourteenth of September, Sumner was unanimously elected Chairman of the Massachusetts Republican Convention, held at Worcester, and made the opening speech, of an hour's length. It was a carefully prepared argument for equal rights. He said he had expected when he made his last speech, in the preceding campaign for Lincoln and Johnson, that it would be his last anti-slavery speech, but now he was sad to learn it was not, that slavery had been abolished only in name and that the work of liberation would not be complete until equal rights were secured, that a righteous government could not be founded on any exclusion of race, that he did not know how others might feel, but, as for him, his course was fixed, that he proposed to battle on to the end and until all distinction of caste were abolished, if it took what remained to him of life. The convention unanimously passed a resolution calling upon Congress to see that the most perfect guarantees, for the safety of all loyal people, both white and black, were secured, before the people of the South were restored to their forfeited rights. Sumner's friend, Richard Cobden, who had been such a tower of strength in preventing hostile measures being taken against us, by England, during the war, had died, on the second of the preceding April. His last letter to Sumner was written just a month before his death. In reviewing the course of Europe towards us, he wrote to Sumner. "It is nothing but your great power that has kept the hands of Europe off you." The Convention passed a resolution commemorative of him, as one of our country's most earnest and devoted friends, and directed Sumner to communicate it to his family. This he did in a letter, conveying also an expression of his personal loss.

During this vacation Sumner also prepared an article entitled, *Clemency and Common Sense*, a curiosity of literature, with a moral. It was published, in the *Atlantic Monthly* for December, 1865. Its purpose was to reach a different class and

advocate, in another form, the necessity of requiring from the South guarantees commensurate with the danger and not permit a return of its States, to their former place, without first having equal rights secured to the freedmen. It was an effort in still another way to counteract the work of the President.

It will be observed that, in all his work thus far to prevent the success of the President's plan, for the restoration of the Southern States, with their old class distinctions and without protection for the freedmen, Sumner had avoided antagonizing him openly. Knowing the disposition of Congress to agree with the President, he was careful to avoid the appearance of a rupture. He still had some hope of an agreement, when Congress convened. Till then he was determined, while protecting his cause, to cast no obstructions in the way of harmonious action between the two departments of the Government.

Sumner also addressed letters to members of the Cabinet, asking them to stand firm against the Presidential policy. But they were still hoping to avoid a break with him and were unwilling to commit themselves openly against it. In fact, they were about evenly divided. Seward, Secretary of State; Welles, Secretary of the Navy; M'Cullouch, Secretary of the Treasury were with the President, Dennison, Postmaster-General, was uncommitted; while Speed, Attorney-General; Harlan, Secretary of the Interior and Stanton, Secretary of War were against his new policy. But a crisis was approaching among them. Speed, Dennison and Harlan were soon to retire, unable to agree with the President and unwilling to compromise themselves by remaining. Stanton, under the advice of his friends and following the bent of his own fearless and aggressive nature, was disposed to remain and fight it out. As soon as the election was over Sumner appealed directly to the President, by a long telegraphic message, as a faithful friend and supporter of his administration, urging him to suspend his policy towards the Confederate States, because it was abandoning the freedmen to the control of their former masters and was exposing the national debt to the danger of repudiation.

Sumner went on to Washington, for the opening of Congress, early, so as to have a talk with the President. He reached there on Saturday, December second, 1865, and at once called on him and spent three hours in his company, in conference about the Southern States. The contrast between his attitude then and as it appeared when Sumner had left him for the summer, a few days after Johnson's accession to the Presidency, was painful to Sumner. Instead of the kindly sympathetic disposition he then saw, he found the President now "harsh, petulant and

unreasonable." "His heart was with the ex-rebels. For the Unionist, white or black, who had borne the burden of the war, he had little feeling." Sumner said that the States lately in rebellion were unfit for restoration in their apparently lawless condition, without some guarantees for the right of the defenceless freedmen. The President retorted: "Are there no murders in Massachusetts?" "Do not men, in Boston, sometimes knock each other down, so that the police is obliged to interfere?" "Would you consent that Massachusetts, on this account should be excluded from Congress?" Without remarking on the irrelevancy of these inquiries, Sumner left, with the painful conviction that he was "set as flint against the good cause." The separation was final. Each was thereafter to pursue his own course, but their paths were to be widely divergent.

Congress opened, on the fourth day of December. The session was occupied with measures of Reconstruction, especially suffrage for the colored race, and with differences with the President, which were to culminate, at the next session with his impeachment. On the first day of the session Sumner introduced ten separate measures, all of them bearing upon these questions—a bill to secure equal suffrage to colored men in the District of Columbia,—a bill to secure colored representation on juries, in the Federal courts, in cases where colored persons were to be indicted or tried,—one to require an oath of all voters or persons elected to office, in the States lately in rebellion, to maintain the debt contracted by the Government in the war for the Union to uphold the Union and to resist all laws making a distinction of race or color or that prevented all men from enjoying equal protection or rights,—another to make all persons in the Confederate States equal before the law whether in the Court Room or at the ballot box,—another to supply appropriate legislation, to enforce the amendment to the Constitution prohibiting slavery,—a joint resolution proposing an amendment to the Constitution apportioning representatives in Congress among the States according to the number of male citizens twenty-one years of age,—a bill for Reconstruction on the basis of equal rights,—a resolution declaring the adoption of the constitutional amendment prohibiting slavery,—a resolution declaring five conditions of Reconstruction, loyalty, the enfranchisement of all citizens, without distinction of race or color, rejection of the Rebel debt and the adoption of the National debt, an educational system for the equal benefit of all races—the choice of loyal citizens for office State and National,—a resolution declaring the duty of Congress to protect loyal people of the South of all races, in their efforts for Reconstruction.

These bills were read, passed to a second reading and ordered printed. The resolutions were read and ordered printed and entered at length on the journal of the Senate. Sumner's purpose was to present them early and thus make them guides to future legislation. The standing committees of the Senate were formed by the dominant party acting on the report of its nominating committee. Sumner was a member of this nominating committee. When the formation of the Committee on the District of Columbia was under consideration, Sumner said his only wish was that it be so constituted that it would report in favor of suffrage for colored men in the District. Then, answered Sherman, you must go on the Committee. Sumner answered he was very much occupied with the duties of the Committee on Foreign Relations, but if placed on this one he would not decline. He was accordingly made a member of the Committee on the District and continued on it till relieved of all committee work at his own request, in 1872. A bill for equal suffrage was promptly reported by this committee. It did not become a law at this session, but at the next it was passed and was vetoed by the President and then repassed by a two-thirds vote of both Houses and thus became a law.

Sumner's bill for Reconstruction, on the basis of equal rights deserves more than a passing notice. Nothing as complete and systematic was ever adopted. The legislation upon this subject was piecemeal and much of it bungling. Sumner's bill provided for the appointment of a Provisional Governor for each Confederate State, to be appointed by the President, with the advice and consent of the Senate. Under the direction of this Governor, the United States Marshal was to name deputies to enroll all male citizens of the United States, resident of the State, in their counties and request each one to take an oath to maintain a republican form of government, for the State of which he was a resident, to recognize the permanency of the National Government, to resist any attempt to repudiate any of the debts contracted in suppressing the Rebellion and to resist all laws making any distinction of race or color.

The deputy was to make one roll of those who took the oath and another of those who refused to take it. If a majority of the persons enrolled in the State took the oath, the Governor was to invite the loyal people of the State to elect delegates to a convention to re-establish the State Government in conformity with the Constitution of the United States. The number of members of the convention was to be the same as that of both Houses of the Legislature of the State before secession, and were to be elected by the loyal male voters, twenty-one years

of age, resident of the county. The delegates were to have the same qualifications and to be chosen at elections held by commissioners appointed by the Governor. Every person voting was to take the foregoing oath, but any person known to have held office civil or military under the Confederate or Secession State Government or who had borne arms against the United States was to be excluded from voting, unless it was shown by the testimony of a qualified voter that he had done so involuntarily. The Governor was to canvass the vote, declare the persons elected, by proclamation convene the delegates, administer the above oath to them and preside over their deliberations.

If the convention declared its submission to the United States Government and incorporated in its State Constitution provisions, forbidding persons who held any office civil, except ministerial, or military above the rank of colonel, to vote for or be a member of the Legislature or Governor, prohibiting slavery, repudiating the Rebel debt, requiring of all office holders an oath to support the Federal Constitution and to maintain a republican form of government, abolishing all distinctions founded on race or color or former condition and making these provisions perpetual, then the constitution thus formed was to be submitted to the voters. The Provisional Governor was to canvass the votes and, if a majority were in its favor, to so certify to the President, who after obtaining the consent of Congress was to proclaim the State Government established and permit Senators, Representatives and Presidential Electors to be chosen.

If the Convention refused to establish such a government, it was to be the duty of the Provisional Governor to collect taxes and execute the laws of the State, as they were before the passage of the ordinance of secession, except as in conflict with the existing laws and constitution of the United States, the laws made for white persons to apply to all races and all jurors to have the qualification of voters under this bill. If there was any surplus of taxes collected under the Provisional Governor, after payment of the expenses of his administration, they were to be deposited in the United States Treasury, to be repaid to the State when a republican form of government should be there established and be recognized by the United States. On the twenty-first day of December, on motion of Sumner, this bill was referred to the Joint Committee of the Senate and House on Reconstruction.

In this scheme for reconstruction two things are clearly noticeable, a determination to keep the whole matter in the hands of Congress, so that the new President would everywhere

find a check upon his acts; and a determination to provide for the equal rights of the colored race. Sumner's resolution was fixed on both questions. He would neither trust this important subject with the President, of whose perversity he was now persuaded; nor would he leave the freedmen without the ballot, to protect them against the aggressions of their ancient masters. The President was to appoint the Provisional Governors, but it was to be with the advice and consent of the Senate. The President was to recognize the new government, but not until he obtained the consent of Congress. The surplus taxes were to be paid back to the States, but not until Congress united in an appropriation therefor. He was just as exacting about the equal rights of colored men. The voters were to be sworn to resist all laws making any distinction on account of color and to maintain a government where all men should be equal. Colored men were to be allowed to participate, in creating these governments. This equality was to be incorporated in a constitution that was to make it perpetual. The officers to be elected under it were to be sworn to maintain it.

Sumner distrusted the former leaders of the South as much as he did the President. He had come to regard both as belonging to one class, united in purpose and determined to act together. When, therefore, Senator Cowan on December twelfth, 1865, submitted a resolution asking the President to furnish information of the condition of the Southern States, lately in Rebellion, Sumner moved an amendment that the President also furnish copies of such reports as he may have received from officers or agents appointed to visit these States. The President in response to the call sent to the Senate a message, in which he said that sectional animosity was surely and rapidly merging itself into a spirit of nationality and that the conditions there were more promising than could well have been expected in view of all the circumstances. Accompanying the message were reports of Lieutenant-General Grant and Major-General Carl Schurz. Sumner knew that Schurz had been appointed by the President to visit this section and make a detailed report to him of the result of his investigations, that in pursuance of this appointment he had visited South Carolina, Georgia, Alabama, Mississippi and the Department of the Gulf, spending about four months in a careful investigation and report upon the conditions he found there. Sumner also had reason to believe this report was unsatisfactory to the President. For it argued an entire absence of national feeling on the part of the South, a submission only to necessity, a promise of a new form of servitude to take the place of slavery now

abolished under ordinances passed under pressure of circumstances, and a warning that practical attempts by the Southern people to deprive the negroes of their rights might result in bloody collisions. This report corresponded with the information Sumner had from private sources and he believed it represented the actual condition of the South.

The report of General Grant was radically different, both in its origin and its substance. There was reason to believe that the President, learning in advance from letters and conversations the convictions of General Schurz, was not wishing that kind of information and, seeing an opportunity to turn the great popularity of General Grant to the support of his policy, he requested him, as he was starting South, on a tour of military inspection, to learn the feeling and intention of the Southern States towards the National Government. The General never thinking that his report would be made a subject of Congressional controversy, complied with the President's request, in a merely perfunctory manner. He passed through Virginia, without conversing with any citizens, spent one day in North Carolina, one in South Carolina and two in Georgia and upon his return to Washington made a brief report, upon this observation to the President. He probably spoke from a purely military standpoint, when he said the mass of thinking men, in the South accepted the situation, in good faith, and that there was universal acquiescence in the authority of the General Government, with anxiety to return to self-government, within the Union, and do what was required of them by the North as conditions of restoration. It said nothing of the condition of the freedmen or whether their rights were respected or denied.

When the message of the President and these two accompanying reports were received by the Senate, on December nineteenth, the message of the President was read and the report of General Grant. That of General Schurz was not read. Sumner called for the reading of it. Several senators objected, on account of its length, Sumner insisted that it was a very important document, that when the report on the condition of Kansas was made before the war, it was all read, that now the question was immeasurably more important. "We have a message from the President," he said, "which is like the whitewashing message of Franklin Pierce, with regard to the enormities in Kansas. Such is its parallel. I think the Senate had better at least listen to the opening of Major-General Schurz's report." The President's attitude was not so well understood then as later and several senators objected to Sumner's use of the word "whitewashing" as applied to his message. They thought

Sumner ought to qualify or modify or retract it. Sumner replied with some feeling that he had "nothing to retract, nothing to modify, nothing to qualify" that, while he was not questioning the character or policy of the President as some of his fellow Senators seemed to think, he was characterizing the message as he thought it deserved. Mr. Fessenden remarked that "the difference between the Senators was a mere matter of definitions and ought to be referred to some maker of dictionaries." Mr. Sherman moved that the reading be dispensed with as he preferred to read it for himself and this motion prevailed and the message and reports were ordered to be printed.

The incident found its way into the papers and became a text for comments according to the opinions of the editors. It was the occasion of letters of commendation from Sumner's friends. Wendell Phillips wrote; "Glorious! just the truth, and just the time and place to speak it, was your graphic and most effective description of the President's message. I say this, not that you need confirmation, but because, hearing the clamor against you, it seems right you should have the 'cheers' as well as the 'hisses.'"

The day after the "whitewashing" incident, December twentieth, 1865, Sumner took the floor on a bill introduced by Senator Wilson "to maintain freedom in the States in Rebellion," and spoke for more than a hour, to show the incorrectness of the conclusion advanced in the message of the President and the accompanying report of General Grant. He occupied the time largely in reading letters from private individuals who were or had been in the South. The letters covered the Southern situation generally and the condition of the several Confederate States. They argued that the Southern people while admitting themselves vanquished by arms hoped to secure supremacy in the National Government, by political management, so as to control its affairs as they had done before the war, that they were opposed to the payment of the debt, contracted in the maintenance of the Union, were inflicting cruelties upon defenseless colored people and the loyal whites in the South and were making the condition of the former much worse than it was when they were in slavery. It is only fairness to General Grant to add that a fuller investigation afterwards led him to the same conclusion as that now maintained by Sumner. And later, when the subject became one of the great issues of his party, during his Presidency, he and Sumner stood loyally together upon this question.

On the ninth day of January, 1866, Sumner called attention to the fact that freedmen were being kidnapped and carried,

from the South to Brazil and Cuba where they were sold as slaves. He offered a resolution, directing the Judiciary Committee to inquire if further legislation were needed to prevent this revival of the slave trade. That committee a month later reported a bill to prevent and punish kidnapping which was passed by both Houses and, with the approval of the President, became a law, on May twenty-first.

Sumner insisted upon the equal title of the colored people to all the rights of the white. He would admit of no distinction. He believed that Congress, especially after the adoption of the constitutional amendment prohibiting slavery, had power to secure this object, by direct legislation. Others differed from him and thought it should be accomplished, by a constitutional amendment. At the opening of the session a joint committee on Reconstruction had been appointed by the two Houses, of which Thaddeus Stevens was the House Chairman and Fessenden of Maine was the Senate Chairman. This Committee reported to the House, through its Chairman Stevens, a proposition for an amendment to the Constitution, indirectly reaching the question of equal suffrage. It was known from the name of its author, James G. Blaine, as the "Blaine Amendment." It proposed, in language different from what was afterwards incorporated in the Fourteenth Amendment, that Representatives should be apportioned among the States according to numbers and that whenever the election franchise should be denied by any State on account of race or color, all persons therein of such race or color should be excluded from the basis of representation. The joint resolution for the amendment was adopted by the House on January thirty-first. The Senate Chairman of the joint committee gave notice that he would call for its consideration, by the Senate, on February fifth. The right of opening the debate belonged to him as Chairman of the committee, but he yielded the floor to Sumner, who commenced the debate with an elaborate speech, running into two days. He spoke for about two hours during the afternoon of each day. The printed speech entitled "Equal Rights of All" occupies one hundred pages of his published works. It is one of the most elaborately prepared speeches he ever delivered.

He opposed the amendment. He insisted that in the Declaration of Independence as well as in the Constitution, no expression had been permitted to contradict the foundation principle of our government that all men are created equal. To permit this amendment to be inserted, recognized a distinction based upon color and gave the choice to the Southern States to refuse the black race the ballot, if they were willing thereby

to reduce the number of their own Congressmen. An amendment should be an improvement, but this was like the crab, which travelled backward. He afterwards declared that it reminded him of that leg of mutton served for Dr. Johnson's dinner, on the road from London to Oxford, which he described: "as bad, as bad could be,—ill-fed, ill-killed, ill-kept, and ill-dressed." He insisted that the Constitution required the United States to guarantee to every state a republican form of government and likewise that Congress should enforce the prohibition of slavery by appropriate legislation. He therefore offered, by way of counter proposition, a joint resolution declaring all persons equal before the law, whether in the court-room or at the ballot box. The power of Congress to pass such a law he believed to be ample without requiring the formality of a constitutional amendment. He dwelt at great length upon the meaning of the terms republican form of government, which was required by the Constitution to be guaranteed to the States. He argued that it meant simply a government where all men are equal in rights, and which derives its powers from the consent of the governed and that neither existed, where black men were deprived of the right of suffrage, that when they were taxed, without being permitted to vote, it was the same taxation without representation that our fathers had pronounced tyranny and had fought against in our war for Independence. He insisted that the rebel states were not republican, that it was the duty of Congress to see that they were made so. The Constitution required it. To those, therefore, who asked to amend it, he could only retort, in the words of the magistrate to an advocate, who, dissatisfied with the ruling of the court, threatened to burn his book, "Better read it." The equal ballot would be peacemaker and reconciler to the South as well as schoolmaster and friend to the negro. Had he been given it sooner, we could have had no war, for his vote would have defeated the acts of Secession. We owed it to him, because in the time of War, he had aided our deliverance.

The speech was listened to, by a large audience. The Chamber and its galleries were filled, before the hour for opening, at each afternoon session. Senator Pomeroy of Kansas, in hearty sympathy with Sumner, in his efforts for equal suffrage, occupied the chair. Many members of the House, with Ministers and members of the Foreign Embassies, two Cabinet officers and others, having the privileges of the floor came in, to occupy seats in the chamber. Many members of the colored race, among them some soldiers occupied seats in the gallery. He was frequently interrupted by marks of approval and when,

on the second day, he reached his close the vast audience burst into applause. It was some minutes before the Presiding Officer could secure order.

The speech had less of the controversial spirit in it than most of Sumner's. It was full of the subject in hand, treating it with frankness, alluding to the views of his opponents with respect and with fairness. Its effective and happy illustrations aided in holding the interest of his listeners. It was favorably commented upon by men of all parties. In this respect it was noticeably different from some of his earlier speeches that had evoked so much bitterness. It was published in the *Independent*, whose proprietor, Henry C. Bowen, was among his auditors, and in an extra of the *New York Tribune*; was largely copied into other papers; and it was widely read. It noticeably raised the tone of feeling towards equal suffrage.

These speeches made by Sumner served to widen the breach between President Johnson and Congress. The President was opposed to extending the right of suffrage to the colored men, believing it would result in a war of the races. He stood ready, therefore, to counteract any favorable impression that such speeches might make. On the day after the delivery of this one, he was visited by a delegation of colored men who urged him to use his influence to secure suffrage for their race. He answered with feeling that he was the friend of the black race and that he did not like to be arraigned by some one, who could get up rounded periods and deal in rhetoric, but who had never perilled life, liberty or property for them, that the policy urged, if persisted in, he believed would result in great injury to both races and the ruin of one or the other. He said sneeringly to another colored delegation that he supposed Sumner was their God. From the steps of the White House, on February twenty-second, he threw away all reserve. On the nineteenth of February he had vetoed the Freedmen's Bureau Bill, designed to remedy some defects in the law passed at a previous session. The President had before vetoed this bill. After some changes it was returned to him again. It was now certain, as changed, to pass over his veto. He had vetoed the civil rights bill and it had been passed over his veto. It did not take a careful observer to see that a deplorable relation of the two departments of the government was impending.

The veto of the Freedman's Bureau Bill on February nineteenth was followed on February twenty-second, by a large popular meeting in Washington to approve the President's action. It adjourned to the White House, to congratulate the President. He met them, at the door, and made a speech of some

length. "I have," said the President, in the course of his remarks, "fought traitors and treason in the South. I opposed Davis, Toombs, Slidell and a long list of others, whose names I need not repeat; and now, when I turn around at the other end of the line, I find men—I care not by what name you call them (a voice: 'Call them traitors')—who still stand opposed to the restoration of the Union of these States. (A voice: 'Give us their names.') A gentleman calls for their names. Well! suppose I should give them? I look upon them I repeat it as President or citizen, as being as much opposed to the fundamental principles of this Government, and I believe they are as much laboring to prevent or destroy them as were the men who fought against them in the Rebellion. (A voice: 'Give us the names.') I say Thaddeus Stevens of Pennsylvania. (Tremendous applause.) I say Charles Sumner. (Tremendous applause.) I say Wendell Phillips, and others of the same stripe are among them. (A voice: 'Give it to Forney.') Some gentleman in the crowd says, 'Give it to Forney,' I have only to say I do not waste my ammunition upon dead ducks." (Laughter and applause.) \* \* \* Some one had spoken in Congress of the Presidential obstacle to be gotten out of the way. He interpreted this as threatening personal violence to himself. "I make use," he said, "of a very strong expression when I say that I have no doubt the intention was to incite assassination and so get out of the way the obstacle to place and power. Whether by assassination or not there are individuals in this Government, I doubt not, who want to destroy our institutions and change the character of the Government. Are they not satisfied with the blood that has been shed? Does not the murder of Lincoln appease the vengeance and wrath of the opponents of this Government? Are they still unslaked? Do they still want more blood? I am not afraid of the assassin attacking me, where a brave and courageous man would attack another. I only dread him when he would go in disguise, his footstep noiseless. If it is blood they want let them have courage enough to strike like men."

This speech made a wretched impression upon the country. Its want of taste, in selecting men, who were honored officials of the Government and respected citizens, and naming them personally, to be jeered at by a crowd upon the street, merely because he could not agree with them upon political questions, was thought to be an offence against good breeding unworthy of the chief magistrate of a great people. To insinuate that they were traitors and associate them in likeness with others, who had notoriously led in an effort to destroy the Nation, to assume

that his political opponents were instigating assassination and that as Lincoln had fallen a victim of a spirit of hostility engendered in the South by the passions of the War, so he was in danger of falling, before a similar spirit, in the North, men construed as an unworthy attempt to associate himself with the martyr President, absurdly without foundation in fact.

In Massachusetts where Sumner's career was regarded with pride, as a peculiar possession of those who had maintained him by their votes, the President's conduct was viewed with some resentment. The Legislature being in session, a resolution was adopted, by both Houses, declaring the language used and charges made to be unbecoming a President, an unjust reflection upon Massachusetts and without the shadow of justification or defence. A copy of this resolution, engrossed on parchment, was forwarded to Sumner by the Governor, with the request that it be accepted and preserved. The Board of Aldermen of the city of Boston unanimously adopted and conveyed a similar resolution recognizing his great services and indignantly repudiating as utterly false "any accusation which likened him to the traitor chiefs of the Rebellion." The New England Conference of the M. E. Church, by resolution, also communicated to him, pronounced it "an unjustifiable assault, upon his reputation," likened to that of Brooks, upon his person. In other more private ways the same sentiment was conveyed to him. Sumner never made any answer or allusion to the speech.

The speech of Sumner on the resolution for the submission of the amendment to the Constitution and the substitute he offered, was followed by a succession of speeches on the same questions occupying, with some intermissions, the attention of Congress for a month. Fessenden opposed Sumner's substitute. He was one of the ablest men in the Senate, with a clear, sharp, incisive manner of speech, always directly to the point but sometimes inclined, perhaps owing to ill-health, to undue severity. He had seemed severe to Sumner, when discussing his speech and his substitute. During the debate Sumner spoke briefly twice more, in reply to the others and especially to Fessenden.

"Pardon me, Sir," he said in reply to Fessenden, "if I remind you that there are two modes of debate. One is to attack the previous speaker, with personality of criticism or manner. The other is to speak plainly on the question and to deal directly, according to your convictions, with the principles involved. Sometimes the two modes are allowed to intermingle. If ever there was occasion when the first should be carefully

avoided, when the question alone should be handled, and not the previous speaker, when attention should be directed exclusively to principles involved, and not to any subordinate point of mere form, it is now, when we are asked to insert a new provision in the Constitution, fixing the basis of political power, at the expense of fellow-citizens counted by millions. In this spirit, I shall try to speak. To my mind, the occasion is too solemn for personal controversy, and I shall not be drawn into it."

He was not drawn into it, but contented himself with a restatement of his own position and the giving of additional arguments and authorities, in support of it.

Before the close of the debate, Henderson of Iowa moved to strike out Sumner's substitute and insert in its stead a constitutional amendment securing suffrage to colored citizens. He doubted the power of Congress to reach the evil by a simple enactment, but thought the change better to be embodied in the Constitution. Sumner declared he was in favor of his motion, and he voted for it, but it received only ten votes. The vote was then taken on Sumner's substitute and it received only eight votes. Other amendments were proposed and voted down. But when the vote was finally reached, on the House Proposition for the Constitutional Amendment, it too failed. This was a bitter disappointment to its friends, who held Sumner largely accountable for it. Stevens, the House Chairman of the joint committee, said: "It was slaughtered, by a puerile and pedantic criticism, by a perversion of philological definition, which if, when I taught school, a lad who had studied Lindley Murray had assumed, I would have expelled him from the institution as unworthy to waste education upon. \* \* \* Let us again try and see whether we cannot devise some way to overcome the united forces of self-righteous Republicans and unrighteous Copperheads."

It was argued, by Republican Members of both Houses, that it would not do for Congress to go to the country, after so much effort, without having adopted the resolution. It was urged that Republicans generally were in favor of it. It was therefore amended and resubmitted and finally passed both Houses. It provided for the submission to the States, what is now the Fourteenth Amendment to the Constitution. In this new form Sumner voted for it, but did not again debate it. In its new form, it had no recognition of exclusion from the franchise on account of "race or color," so as to injure the text of the Constitution, which recognized no race or color, nor would it give a pretext for changing the definition of the republican

form of government, which was required to be guaranteed to the States. It had a clause added, defining who are citizens of the United States, so as to include colored persons, assuring for all the equal protection of the laws. Another clause had been added disqualifying all persons from holding office, State or National, who had previously taken an oath of office, as Senator, Representative or officer of the United States or as Legislator or executive or judicial officer of any State, to support the Constitution and had afterwards engaged in the Rebellion unless this disability was first removed by a two-thirds vote of each House. Still another clause was added protecting the National debt and annulling all debts contracted in aid of the Rebellion and all claims for the loss or emancipation of slaves. All these provisions not found in the original, Sumner believed counterbalanced the evil he still saw in it.

Before the ratification of the Fourteenth Amendment by the States so as to make it a part of the Constitution, Sumner's object was accomplished in other ways. Congress took jurisdiction of the elective franchise in the Confederate States and required that in voting upon any constitution preparatory to reconstruction there should be no exclusion on account of race or color and that this prohibition should also be embodied in such instruments. Equal suffrage was afterwards established by the Fifteenth Amendment which provided that the right of citizens to vote should "not be denied or abridged by the United States or by any State on account of race or color or previous condition of servitude." But these steps were slowly taken as will be seen, after much argument and effort, by the pioneers on these questions. Among these pioneers Sumner was fairly entitled to be named first. A persuasion of the necessity for extending the franchise to the colored men, owing to conditions in the South, as well as justice to them at last prevailed. Though the policy of thus extending suffrage has been and is still, in certain States, a much vexed question, it must be conceded by all that it was one of the great events of our political history. It has already added a chapter of interesting history to every Southern State and it has played an important part in the settlement of every National question since its adoption.

It has been seen how close were the votes, in the Senate, on the resolution to submit this Amendment. It required a two-thirds vote of each House. Though the Republicans had that many, the margin was so small that the defection of a few was sufficient to change the result. Owing to the defection of President Johnson his veto would also defeat any measure he desired, unless the Republicans could pass it over his veto by a

two-thirds vote. The frequency of these vetoes had already startled the Republicans. Party strength which had seemed ample, for all purposes, when he was elected, was now carefully husbanded. The credentials of new members were closely scanned. The spur of party feeling was not wanting. The bitterness engendered by the war had not abated in Congress, for the President's course had served to augment it there.

It was this situation that confronted John P. Stockton of New Jersey, when, at this session, he presented his credentials to a seat in the Senate. The previous winter had seen a struggle over his election. After many efforts it was found that no one could secure a majority of all the members elected to each House of the Legislature, as their rule provided. This rule was, therefore, changed by a resolution at a joint meeting of the two Houses, so that only a plurality of the votes of the members present at a joint meeting was required. Under this rule Stockton was elected. Thirty-eight members of the Legislature forwarded to the Senate a protest against his admission. At the opening of the session, he had appeared and taken the oath as Senator. The validity of his title to a seat was referred to the Judiciary Committee, which reported in his favor. The question came up, in the Senate, on March twenty-third, 1866. Sumner opposed the adoption of the report for two reasons. He urged that his title was invalid because; first, a majority of each House was necessary. This he said was the practice in Massachusetts and, he urged, was the proper practice, although he admitted a different one obtained in some other States. Second, because the joint meeting of the two Houses of the Legislature of New Jersey had no right, by resolution, to fix the manner of the choice. It should be done by a law regularly passed by the Legislature or by Congress. He cited authority in support of both positions.

When the question came to a vote on the adoption of the report of the committee, the vote stood twenty-one to twenty, when Morrill of Maine asked to have his name called. This was done and it resulted in a tie. Thereupon Stockton arose and said that Morrill was paired with his colleague Wright, who was at home sick. He, therefore, asked his name to be called, which being done, he voted for the adoption of the report and it carried, twenty-two to twenty-one. This action was taken on Friday.

On the following Monday, Sumner moved to amend the journal of Friday by striking out the vote of Stockton. He argued that no one could be a judge in his own case, and to per-

mit this vote to stand was to affirm that he could be. The Senate passed a resolution that the vote be not received, and afterwards voted him not entitled to his seat, upon a reconsideration of the question. It was a mistake for him to vote. If he had not, it would have been a tie and he occupying a seat would have been left in possession of it. By voting he furnished a pretext for opening the question and it resulted in him being ousted.

Stockton, being a Democrat, if permitted to retain his seat, would doubtless have voted with his party to sustain the President's vetoes. This would have prevented the passage of some important legislation of the session, notably the Civil Rights Bill, which had been vetoed and was passed, in the Senate over his veto, by only one vote. Sumner was charged with having brought about his ouster, for partisan purposes. But the charge was hardly fair. To permit a Senator to vote on his own right to a seat, was clearly an improper precedent to establish and Sumner did right to secure its correction. Hitherto under the influence of the Southern doctrine of State Rights, the policy had been to enlarge the powers of the States and restrict those of the Nation. Hence the fixing of the manner of the choice of Senators had been left to the States, the Constitution providing that the State Legislatures might prescribe the manner, but that Congress might alter it. The attitude toward the doctrine of State Rights being changed by the war, and being admonished by the Stockton Case, Congress, at this session, assumed jurisdiction of the subject and fixed by law a uniform rule for making the choice.

When this bill was before the Senate, Sumner opposed and assisted in defeating an amendment to it offered by Fessenden to permit each Legislature to settle whether the vote should be taken *viva voce* or by ballot. Sumner insisted that as the votes were given in a representative capacity, they should be cast openly so that everyone might know how each member voted. He favored secret voting at popular elections, but open voting for the election of Senators.

Sumner continued the fight for equal rights on the measures that were offered at this session for the admission of three States. Two of them, Colorado and Nebraska, were Territories while the third, Tennessee, had lost the right of Statehood by her participation in the Rebellion. Sumner insisted that none of these should be admitted till provision be made in its constitution that there should be no denial of the electoral franchise or of any other rights, on account of race or color, but that all persons should be equal before the law. He argued in

favor of such a restriction in each case, but Congress was not yet ready to take such an advanced stand. He could summon to his position at this time only four to seven votes, in the Senate. Curiously enough one of these was Gratz Brown of Missouri, who was soon to be the Democratic candidate for Vice-President, on the ticket with Greeley. Tennessee was admitted without such a constitutional provision, Sumner voting against it. The bill for Nebraska passed both Houses, but was vetoed by the President. That for Colorado met the same fate. At the next session, the bill for the admission of Nebraska passed with the requirement for equal suffrage in it. Then the Colorado bill was taken up and this condition inserted and then it passed both Houses, but was vetoed by the President; and it failed to pass, over the veto, for the want of the necessary two-thirds vote, in the Senate. The few votes that Sumner was able to command were sufficient to dictate the insertion of the provision for equal rights, in the contest with the President.

During the debate on Colorado, Sumner was chided with the suggestion that its admission would create two more votes, in the Senate, much needed by the Republicans. "Tell me not," he retorted, "that it is expedient to create two more votes in this Chamber. Nothing can be expedient that is not right. If I were now about to pronounce the last words that I could ever utter in this Chamber, I would say to you, Senators, do not forget that right is always the highest expediency. You can never sacrifice the right without suffering for it."

Among those who thus far had opposed Sumner's efforts for political equality for the black race and had inclined toward the President was Cowan of Pennsylvania. He was elected as a Republican. The next elections went strongly against the President. After they were over and the debate on the admission of Nebraska came up, in the next session, Cowan voted with Sumner. His conversion came somewhat awkwardly to him and he was disposed to treat the question humorously. In the Senate one day, he said:

"My honorable friend, the Senator from Massachusetts, is six feet three inches in height, and weighs two hundred and twenty pounds; I am six feet three inches in height and weigh one hundred and ninety pounds, if you please. That is not equality. My honorable friend from Maine here is five feet nine inches.

Fessenden. "And a half." (Laughter.)

Cowan. "I beg the honorable Senator's pardon. I would not diminish his stature an inch or half an inch, nor take a hair from his head; and he weighs one hundred and forty pounds,

if you please. Is that equality? The honorable Senator from Massachusetts is largely learned; there is nothing, I think, that he does not know, that is worth knowing,—and this is no empty compliment that I desire to pay him now; and he is so much wiser than I am, that at the last elections he divined exactly how they would result, and I did not. (Laughter.) He rode triumphantly upon the popular wave; and I was overwhelmed, and came out with eyes and nose suffused, and hardly able to gasp."

Sumner. "You ought to have followed my advice."

Cowan. "Why should I not? What was Providence doing in that? If Providence had made me equal to the honorable Senator I should not have needed his counsel, and I should have ridden, too, on the topmost wave."

Sumner's position among his fellow-Senators was now a commanding one. His counsel was sought and respected. He was never a strict party man, but he knew the value of organization. He knew that little good could be accomplished, in public life, without it. But he placed principle above party and preferred his own convictions of duty to the opinion of the caucus; had great faith in discussion and so he would discuss and agitate and argue, till he would convert others to his own position. How often during his career he appeared in defence of a principle with only three or four supporters and kept on gathering support until he triumphed, is now a cause for remark. Through it all he preserved the respect and confidence of his associates. Sometimes they were impatient at his persistence in pushing his own measures to the front and insisting on action upon them to the exclusion of other business, that they wished to forward. Sometimes his disposition to argue wearied them. But they all admitted his high character, his wonderful learning and his great industry, his firm hope to make his career in the Senate a useful one. With those who served longest with him, this feeling was most marked. A strong tie grew up between them, that either saw broken with sorrow.

During the present session, he was called upon three times to commemorate friends with whom he sadly parted. Henry Winter Davis, after a brilliant career of eight years in the House had died on December 30, 1865, and Senators Collamer and Foot, both from Vermont, had died, one earlier, and one later than Davis. All three were prominent in the questions that grew out of the War. It was therefore with sadness that he saw them laid away. He commemorated all three, Davis by an article published in the *New York Independent* and the others by appreciative tributes in the Senate.

Of Collamer he feelingly said: "Since Henry Clay left this Chamber by the gate of death, no Senator has passed that way crowned with the same honorable years as Mr. Collamer; nor has any Senator passed that way whose departure created such a blank in the public counsels, unless we except Mr. Douglas." He reviewed his career in the Senate, pausing to emphasize two occasions when his fearless independence had shown forth with marked effect. One already mentioned in these pages, was in opposing the majority report of the Committee on Territories to which the whitewashing message of President Buchanan on the Kansas troubles had been referred. The other was when Collamer, with equal or greater courage, opposed the President of his own party, then the triumphant chieftain of the North, in his unwarranted exercise of power in the institution of civil governments for the unreconstructed States, "to last beyond the war". In the one case he opposed executive power instigated by Jefferson Davis and in the other when wielded "by the gentle hand of Abraham Lincoln." But in both cases it was the firm hand of the conscientious Senator opposing the unwarranted exercise of power by the President and presenting an inspiring example to others in good works.

Foote was the oldest Senator in continuous service. He had entered in the spring before Sumner. Sumner's service commenced with the opening of the session in December. Only one other, Wade, now remained of equal length of service with Sumner. Yet Sumner was destined to remain for almost nine years more, five years after Wade. Foote was a retiring man, slow to express opinions, but firm in his conduct and like his colleague Collamer, of unquestioned courage. Giddings had at the beginning assured Sumner that he could be depended on, in the struggle against slavery, and had pleasantly recalled how on Foote's first visit to the House, after he took his seat in the Senate, he had seemed indifferent to criticism by asserting his friendship for Giddings, the anti-slavery leader, in the days when slavery tyrannized public life. He was thus firm in his convictions, yet he was so forgetful of self that he would willingly waive a right of his own, in the appointments to committees, so as to give important places, assigned to himself, to others who desired them. "There was no jealousy, envy or uncharitableness in him," said Sumner. "He enjoyed what others did, and praised generously. He knew that his own just position could not be disturbed by the success of another. Whatever another may be, whether more or less, a man must always be himself. A true man is a positive, and not a relative quantity. Properly inspired, he will know that in a just sense, no-

body can stand in the way of another." Foote had shown talent as a presiding officer, which was recognized by the Senate in making him for a considerable time its President *pro tem.* His firmness and fairness fitted him for such duties. He had little taste for controversy, seldom spoke in the Senate, but for the less brilliant though not less useful work of a Senator he was pre-eminent.

During this session Sumner made some short speeches in favor of non-partisan measures, which, after years of discussion, have reached realization. They show his wisdom as a statesman. Among these may be named his speech for the survey of a ship-canal across the isthmus of Panama, one for the metric system of weights and measures, another for the power of Congress to provide against cholera from abroad, still another for its power to provide against a cattle plague. He also wrote in favor of an international copyright for authors. All of these show him far in advance of the sentiment of that time.

His effort for a codification of the United States statutes which he commenced with his first session in the Senate and had renewed repeatedly since, was successful at this session. The bill was passed and Caleb Cushing, of Massachusetts, was one of the Commissioners appointed.

The hard work of this session told seriously on Sumner's health. The session lasted till about August first and his labor had been excessive. There were reappearances of his nervous troubles which had resulted from the Brooks assault. He was obliged to consult his former physician, Dr. Brown-Séquard, then in America. Later he made a brief excursion to the White Mountains.

## CHAPTER XXXIII

### THE DEATH OF HIS MOTHER—HER CHARACTER—HIS MARRIAGE

ON the fifteenth day of June, 1866, Sumner met the loss by death of his mother. She was eighty-one years of age. He had never married and of her nine children he was the only one who continued his home with her. All the others were dead, save the youngest, Julia, who had married Dr. John Hastings, of San Francisco, California, in 1854. During the last years of her life Mrs. Hastings suffered from ill-health and though she survived her brother, dying in 1876, she did not visit the Atlantic States after 1862. Her three daughters were the only living grandchildren. So that he was left alone to comfort his mother's declining years. During his absence in Washington, she continued at their home in Boston, with a companion; but when not occupied with his duties in the Senate, he usually spent his time there with her.

It was the same old home, No. 20, Hancock Street, that Sheriff Sumner had bought thirty-six years before, after the improvement of his fortunes by his office, and to which he then removed his family. During 1867, a little more than a year after the mother's death it was sold out of the family. It was well located in one of the higher and better parts of Boston, not far from the State House. No effort had been made to change it to correspond to a larger life. It continued the same comfortable and substantial home, that had sheltered him in his boyhood. There peace and happiness, the usual accompaniments of good sense and good habits, prevailed. From day to day through the long twenty-seven years of her widowhood, the spirit of contentment her life cast about it never changed. It was just, as we think, such a retreat from the turmoil of his stormy career as he needed. There he could always find quiet, grateful rest. And while she lived he never sought, and when she died he never found, another like it. There too she grew gracefully older and as the weight of years fell gently upon her, she came to lean more heavily upon the stronger arm of her son.

She was an ideal mother, a woman of strong common sense with a sweet disposition; these were her prevailing traits. It will be remembered that her ancestors had been farmers, well-

to-do and marked by good sense and good habits, leading plain lives, close to nature and apart from the conventionalities of crowded cities; that her father had died when she was only fourteen years of age, leaving her and one sister in the care of a widowed mother, where she was taught habits of economy and industry and gained some training in the elementary branches taught in a public school. She was married while earning her living, with her needle, in Boston and though her husband was then poor she was able to raise their family with comfort and keep within his income; and though his income was afterwards increased by his office, it was not wasted but, largely owing to her, he left in her hands an estate worth about fifty thousand dollars, for her during life and then to distribute to their children. This trust, she executed so faithfully that when she died the property had accumulated to the value of more than a hundred thousand dollars and was then equally divided between their surviving children.

The same sensible conduct, as in the use of her husband's property, was observable in the treatment of their children. The care of them she assumed herself, never when she could do otherwise, entrusting it to others. Three of her daughters died, in early womanhood, after a lingering illness and her husband had likewise died after months of confinement. It will be remembered that Charles had suffered from a long sickness in early manhood, when his life was despaired of for some weeks. Yet she was the constant nurse of them all, day and night. She assumed and retained to the end the management of her own house. As she grew older her thoughts centered with pardonable pride in her son. Her thoughts went out to him when he was absent, watching his public career and looking forward eagerly to his coming home. It so happened that the last letter he wrote her was during this session of Congress in answer to an inquiry prompted by her, for his health, which she had heard was not good. His answer full of tenderness, and expressing solicitude for her comfort, quieted her fears by assuring her that his sickness was not serious, but only a slight indisposition, caused by overwork.

She was tall and spare in build. All her life long she had enjoyed good health and, when she died, it was of no particular disease but only from a general failure; she was worn out with age. It had been apparent for some months that she could not last long; so by an arrangement with her physician, he wrote weekly letters to the son, to keep him informed of her condition. He was summoned at last by telegraph and reached her bed several days before her death and remained with her to the

end, the only one of her once large family present to pay this debt. It was the close of a life of noble Christian womanhood and the end came peacefully, as to one whose work was well done and for whom "joy cometh in the morning."

He had been a devoted son. The father, somewhat stern in his manner, had turned the child's affections to the mother. She was kindly, sympathetic and sweet; and the tendrils of his young heart had gathered in affection about her, never to be unfolded again. Though the father had marked out his career, directed his studies and controlled his habits; she had encouraged his childish efforts, softened the hard places and sweetened the cup of his early life. Her good sense never forsook her and it was a never failing source of comfort to him. Even in mature years, though by training he had grown in other directions than hers, he found her cool head and good judgment a safe counsellor. And he repaid the debt. Her comfort was always a consideration with him. When at home he conformed to her habits and simple way of living, assisted her in the management of the father's estate, and maintained the peaceful tenor of her life. By continuing his home with her, she was spared the feeling that she was old and of no use, but only an incumbrance to others,—a feeling that often fosters the wish to be away and at rest. While she lived, he never felt that he was free to contract another relation and this feeling was so strong that had she survived he probably never would have married.

After her death he felt for the first time that he had the means and was at liberty to get married. He had been meeting for some time in Washington, at the home of Samuel Hooper, a Member of Congress from Boston, the widow of his son. She was formerly Miss Alice Mason, of Boston, a niece of Jeremiah Mason, Daniel Webster's old competitor at the bar. She was a beautiful and attractive young woman, of slender and stately form, highbred manner and aristocratic reserve, one of the noticeably fascinating women in Washington society; but somewhat spoiled by the homage she had received, had an extremely variable disposition which she could show in teasing or in temper, and she was fond of society and was ambitious, with the disposition to rule the circle in which she moved. She was the mother of one child, a daughter of eight years. For some time Sumner had been attracted to her. In the September following the death of his mother, their engagement was announced. She was then but twenty-eight years of age; while he was fifty-five. The announcement was the occasion of numerous congratulatory letters from his friends, Bancroft, Whittier, Longfellow, Howe, Lieber, the Duchess of Sutherland,

the Argylls, Robert Ingham, from Chief-Judge Chase, Hamilton Fish, Mrs. Lincoln and others, who were rejoiced to learn of the contemplated change in his life. They had known him so long and seen him so much, in a social way, that they could not view the marriage otherwise than as fraught with happiness to both.

The void created by the death of his mother, which he felt during the following recess of Congress when the door of his old home in Boston was no longer open, had easily carried his thoughts forward to such a new life. Her presence in Washington presiding with noticeable grace in one of the homes, where he was always welcome,—welcome even after the break came and his married life had ended—easily lent enchantment to the proposed change. At the home of the Representative from Boston, the Senator was naturally present often and saw much of her. They were at Washington during the sessions and when Congress adjourned they were at Boston together. They met at a home of affluence and culture where a graceful hospitality was dispensed. It conformed to his taste, and when contemplating the establishment of a home of his own he naturally wished it to be one like this.

Yet the hope had not been, in its happiest anticipation, without solicitude. Less than a month before his marriage, he wrote Bancroft: “I tremble sometimes at the responsibility I assume. I am to make another happy; for unless I do this, there can be no happiness *for me* and my idea will be quenched in darkness. But the good God that gave me this new life will, I trust, protect it. If you knew how little of design or will there was in what has occurred, you would see the Providence which has ruled.”

On the seventeenth day of October, 1866, they were married. The intervening weeks before the opening of Congress, they spent at Newport and at his old home at Boston. At the opening of the session in December, they took a house in Washington, bought a team, rented a pew in church and settled down to housekeeping there. His health was now fully restored and he was rejoicing in the bright anticipation of happiness in this new relation. He felt the inspiration of the high place he held in public life and though accompanied with added labor he turned to the work of the session with renewed ardor.

## CHAPTER XXXIV

PARKER FRATERNITY LECTURE—PRESIDENT JOHNSON AGAINST  
XIV AMENDMENT—ELECTION OF 1866—TENURE OF OFFICE  
BILL—RECONSTRUCTION—EQUAL SUFFRAGE—PURCHASE OF  
ALASKA

DURING this recess of Congress, on October second, 1866, Sumner delivered the opening lecture of the annual series of the Parker Fraternity, at Music Hall, Boston. His theme was, The One Man Power against Congress. It was a review of the policy and administration of President Johnson, up to that time, and recounted the interviews Sumner had with him, after the death of President Lincoln. Sumner had now assumed an attitude of pronounced opposition. He was persuaded, and he did not hesitate to say that President Johnson was a Southerner, the successor in his sympathies and purposes to Jefferson Davis, and that his influence should be counteracted by all loyal citizens and good men. He declared that the war had been fought at the expense of much blood and treasure and that the North had been victorious in the field, but that all the results of the war were being frittered away by the stubborn and perverse policy pursued by the President, that instead of building up governments in the Confederate States and reconstructing the National authority, from the sound materials, the Union men and the loyal citizens, he was using only that which was worn out, decayed and rotten, the Confederates who had been torn from their places of power by the war. Sumner insisted that the very reverse of this should be the policy, that the men who had fomented rebellion should all be excluded and new men of tried loyalty be entrusted with power.

He argued that in acting upon the question of Reconstruction the President was usurping the power of Congress, that the Executive had no authority to decide questions of this kind, that the Rebel States by the Ordinances of Secession and the support of rebellion had forfeited all rights of statehood and reduced themselves to the condition of Territories and that it was for Congress to determine by law upon what condition they were to be admitted as States. Jurisdiction of this important subject, much to his regret, Congress had been slow in assuming. It involved, in large measure, the benefits that were

to be reaped from the war. If those who had constituted the Confederate armies and government, were to assume control, the same old troubles that had led to the war might be expected to reappear. If the freedmen were given the ballot, they would unite with the loyal whites of the South and outnumber and outvote, and thus be able to control, the rebellious elements. He would therefore make the ballot to the freedmen an essential condition of Reconstruction.

The President was unalterably opposed to extending the ballot to colored men. He had boldly and repeatedly predicted that such a concession would lead to a war between the races, with the possible extinction of the weaker. Therefore he was assuming jurisdiction of the whole subject of reconstruction and was pressing forward to determine every question involved. He assumed that though they had rebelled and passed ordinances of secession, that the Confederate States had been conquered and that thereby their ordinances of secession had been annulled and that they still held their place and were entitled to be treated as sister States just as if they had never attempted secession. Thus the line was sharply drawn between Congress and the President. Congress was assuming control of the matter as one for legislative determination, with the purpose of equal suffrage in view; the President was assuming the question as settled and all that remained, was for the Executive to see the laws in force executed and oppose any change in the ballot, treating that within their limits as a matter for the consideration of the Confederate States alone. The situation was, Sumner insisted, that of "one man power against Congress."

There were many persons who doubted the propriety of elevating to the franchise, freedmen, who had so lately been slaves and who were without education or experience to fit them for the duties of citizenship. Sumner felt the force of the suggestion. But he answered that their loyalty with ignorance was better than the education without loyalty, of the other class. He complained bitterly of the use of the pardoning power by the President to restore Confederates to places of power. He insisted that they should only be pardoned on condition that they give up a part of their large estates, so as to furnish homesteads to the freedmen, who when in slavery had helped to pile them up by their unrequited toil. The freedmen he urged were eager for such homes. These with education would place them in condition to care for themselves and do good for the country.

The perversity of the President's course was shown during this summer. Congress had submitted the Fourteenth Amend-

ment to the Constitution. It would not become a part of the Constitution until ratified by three-fourths of the States. Testimony was abundant, from those who had been in the South at the close of the war, that the spirit of her people had been broken and she was ready to perform all proper conditions laid upon her by the North to restore her States to their former place. It was believed that under such a firm and just hand as Lincoln's, there would have been no trouble and that restoration of good feeling under proper conditions for the freedmen, would have been easy. But President Johnson, by the perverse tone of his message and speeches, referring to the Southern as an oppressed people and the ruling party of the North as bent on humiliating them and preventing a peaceful union of the rival sections, had encouraged a spirit of defiance in the South and instead of submitting gracefully to reasonable conditions, she now wished to dictate herself what those conditions should be. It was now apparent that the President was attempting to defeat the ratification of the Fourteenth Amendment. He was in communication privately, with those who controlled the political action of the insurrectionary States and he was discouraging them from voting for it. He was not willing his opponents in the North should have such a gratification.

The result showed how successful he was. Every one of these States rejected it. The Legislatures of Florida, Mississippi and Louisiana, all rejected it unanimously. Virginia and South Carolina each gave it one vote; Georgia, two; Arkansas, three; Texas, five; Alabama, ten; and North Carolina, eleven. It has since been shown conclusively that when one of these States proposed to reconsider its vote of rejection and those in control asked his advice, it was given against it and the reconsideration was not taken.

The provisions of this Amendment were so eminently just that it is difficult to see how he could so control these States. If colored citizens were not allowed to vote, why should they be allowed by their numbers to increase the representation in Congress of the South, so that one vote in South Carolina could neutralize two votes in Massachusetts? Why should the payment of the National debt contracted in a war to preserve the Union not be guaranteed by that restored Union? Why should the debt of the Confederate Government contracted in a war to destroy that Union not be annulled? Who was left to pay it? The Confederacy, that contracted it, was no more. Why should not all claims for slaves emancipated as a necessary war measure to weaken the Confederacy, likewise be annulled? Could claims for railroads and bridges and stores destroyed by

the invading armies of the North be paid? Why should not citizenship be defined so that it could be authoritatively settled by the Constitution who are citizens of the United States? Yet these were the essential features of the Amendment the South so flippantly rejected.

Sumner argued that the conduct of the President in procuring the rejection of such an Amendment richly deserved the criticism of good citizens. His lecture was delivered during the campaign of 1866 and its purpose was to aid the opposition to the President's policy at the popular election and secure an indorsement for that of Congress. The campaign was one of peculiar activity, never perhaps equalled, except in a Presidential year. Four national conventions were held; two in Philadelphia, one of the President's friends and one of his opponents, one of the soldiers friendly to him, in Cleveland; and one of the soldiers against him, at Pittsburg. The last was the greatest and most interesting of them all. The President, eager to secure an indorsement, made a journey to Chicago, ostensibly to be present at the laying of the cornerstone of the monument of Stephen A. Douglas, but in reality to make an electioneering tour, going by way of Baltimore, Philadelphia, New York, Albany and thence westward by way of Cleveland to Chicago, returning by way of St. Louis, and speaking at many places along the route. This journey has ever since been popularly known as his "swinging around the circle." His speeches were marked by his usual want of taste on such occasions, coarse answers to rude remarks made by his auditors and violent abuse of Congress, all much to his own detriment. Petroleum V. Nasby, humorously pretending to support the President, described the tour, as undertaken to "arouse the people to the danger of concentrating power in the hands of Congress, instead of diffusing it through one man."

The result of the election was overwhelmingly against the President. A Congress was elected, three to one against him. The ratification of the Fourteenth Amendment had in many quarters till now, notably in the New York Republican Platform, been made the test of the fitness of a Confederate State to be restored to its place. But the election developed among the people a very strong sentiment in favor of the enfranchisement of the freedmen, as the only safe condition. Riots had occurred at New Orleans, Memphis and other places in the South, which were attributed to Johnson's influence. The people of the North concluded, as had Sumner before them, that the colored votes were needed in the South to counteract the Confederate influence.

Congress meeting soon after the elections, the two parties, to the contest before the people, met in no uncertain mood. Congress encouraged by its success was ready to press forward in the work it had begun; the President with the self-centered, pugnacious sternness of his nature, angered by the election, was defiant and if possible more determined than ever. Neither side was in the humor for compromise. The session was largely occupied in devising and passing over his veto measures to limit his power.

The President, though not disposed at first to make removals from office, had now adopted a different policy, and removals, of those who were recognized as his opponents, were being made with alarming frequency. A clerk in the Treasury Department, who asked leave of absence to attend the convention of soldiers held at Pittsburg, had been refused. He resigned his position and went and was made Temporary Chairman of the convention. At St. Louis when "swinging around the circle" Johnson declared, in words that afford a fair sample of his diction on this memorable trip, "I believe that one set of men have enjoyed the emoluments of office long enough, and they should let another portion of the people have a chance. (*Cheers.*) How are these men to be got out (*A voice, 'Kick 'em out!'*—*cheers and laughter*), unless your Executive can put them out,—unless you can reach them through the President? Congress says he shall not turn them out, and they are trying to pass laws to prevent it being done. Well let me say to you, if you will stand by me in this action (*cheers*),—if you will stand by me in trying to give the people a fair chance,—to have soldiers and citizens to participate in these offices,—God being willing, I will kick them out,—I will kick them out just as fast as I can." (*Great cheering.*)

This frank statement of his purpose, which men saw every day being carried out, startled Federal officeholders and their friends. On the day Congress opened, a bill was introduced to restrain this threatened wholesale dismissal. The measure was known as the Tenure of Office Bill. As passed, it provided that every person holding a civil office to which he had been appointed, with the advice and consent of the Senate, should be entitled to hold the office until his successor would, in like manner, be appointed and qualified, excepting, however, that members of the Cabinet should hold their offices during the term of the President by whom they were appointed and for one month thereafter. The President might suspend an officer for cause during a recess of the Senate, but if the Senate at its next session refused to concur in the suspension then he was to be rein-

stated. Any officer making the appointment and any person accepting an office, contrary to the provisions of the act, was to be punished by fine or imprisonment; and under like penalty the payment of an officer out of the public treasury was forbidden. The intent of the whole law, therefore, was to prevent removal from office, except by consent of the Senate.

The Constitution provided that appointments could not be made without the advice and consent of the Senate; but it was silent on the subject of removals. The power of removal had been assumed, in practice, to belong to the President alone and he had always exercised it at will, though not always without question. There had been discussion of the question, notably in the time of Jackson when he sought to enforce his maxim that "to the victors belong the spoils," by wholesale removals to provide places for his friends. But the better authority was with the President's claim of right to remove at will without consulting the Senate.

Sumner favored the Tenure of Office Bill and spoke in its favor, arguing that it was the duty of the Senate to protect these officeholders against the President, who had become, he declared, "the enemy of his country." He was called to order by McDougall of California, a Democratic member, for the use of this expression when speaking of the President. The Chair sustained Sumner and he proceeded after some farther interruption. As there was some question about the words he had used, he proceeded to read them as taken down by the stenographer, when he was again called to order by Doolittle of Wisconsin. The presiding officer again sustained Sumner, when the decision was appealed from and, after some confusion and other motions, one to lay the appeal on the table carried and Sumner proceeded.

He declared that the President had usurped the powers of Congress, to kindle anew the fires of rebellion, by setting up illegal governments in the South and by usurping the power of removal from office without consulting the Senate, that he might make places for his partisans and silence others by his threats, that the brutal language he employed to declare his purpose showed the spirit in which he acted, that had Lincoln been spared, the necessity for such legislation as the Tenure of Office Bill would never have occurred. Sumner proposed to amend the bill so that it would reach officers of smaller salaries than those included in it. But other Senators objected that this would impose too much labor and require too much time of the Senate. Sumner declared that merely because the victims were so numerous was no reason why the sacrifice should

be allowed to proceed, that they had not hesitated during the war to act on the nomination of military and naval officers, though they were counted by thousands. He said he was willing to act on an inspector or night watchman, if he could thereby protect such humble officials from Executive tyranny, that they were sent to the Senate for work and that they should surround the citizen with all possible safeguards.

Sumner's amendment failed; but the bill passed both the Senate and the House. It was vetoed by the President and was then passed over his veto and thus became a law. It is curious to note that the bill, as originally introduced, excepted Cabinet officers from its operation. It was thought that by reason of their confidential relation to the President his choice of them should be uncontrolled. It was made applicable to them by an amendment. It was under this amendment that the chief article of impeachment of President Johnson, was subsequently framed. He was charged with wilfully violating the Tenure of Office Law in removing Secretary Stanton from the Cabinet, after the Senate had once refused to concur in his removal. But the law was upon the whole a source of trouble to its authors. It tied Johnson's hands. But two years later when Grant had become President the purpose of its passage was confessed, when many of its advocates voted for a modification of it which amounted to its repeal. It fell to Grant as they thought, to cleanse the Augean stables of the men Johnson had placed in office before the law was passed. He declined to undertake this, until the law was amended.

Sumner, however, was opposed to the change, brought about, as he insisted, at the instance of President Grant, to make a way for the very abuse that the law had been enacted to correct. A bill for its repeal was passed by the House five days after Grant became President, without a reference to a committee. But the Senate was not so pliant. It was there referred to a committee. A substitute was reported and discussed. The substitute was referred again and amended and, after further discussion, it was passed. Sumner was asked by a member of President Grant's Cabinet to withdraw his opposition to its repeal, urging that the President felt strongly upon it. But he declined. He thought it a beneficent statute and should be maintained. He was more consistent than those Republicans who voted to pass it to tie Johnson's hands, because they were not in harmony with him and voted to change it, so that it might not tie Grant's hands, because they were in harmony with him. To them, at least, its passage and virtual repeal were not creditable. If it was a bad law, it should not have been

passed. If it was a good law it should have been continued. They clearly should not have tied the hands of one President from making appointments, because he was a Democrat and loosened the hands of another President so that he could make them, without stint, because he was a Republican.

One of the alleged reasons for passing the bill was that it would aid the work of reconstruction. But this was little more than a pretext. The officeholders whose places were in question, could have little to do with reconstruction. They were mostly clerks in the Departments and others whose duties were purely ministerial.

At this session of Congress the most important Reconstruction Law was passed. Hostility to the President had become pronounced. Little heed was now paid by Congress to his wishes. He had attempted to take the whole subject of reconstruction into his own hands. As a result, Congress saw the consequent defiant action of the Southern people in rejecting the Fourteenth Amendment, and in the riot at New Orleans caused by their determination to break up a meeting called to ask of the Convention then drafting the new constitution, to consider the question of negro suffrage; when forty defenceless people were shot dead and one hundred and sixty more were wounded. The facts were now being brought out into clear light under a Congressional investigation. Congress saw similar outbreaks in other Southern States. It saw the systematic terrorization of Union men there, who were leaving their homes on account of it. It was estimated that more than a thousand defenceless negroes and many whites had been killed and no attempt made to punish the murderers. Congress felt the situation could be neglected no longer. Reconstruction thus became the chief work of the session.

After much debate the House passed a bill dividing the ten States that had been in rebellion into five military districts, the Commander of the Army to take charge of them through five officers, not below the rank of Brigadier-General. They were to have supervision of the peace in their precincts, with the power to use the civil tribunals already established, if deemed competent, otherwise to employ courts martial in their stead. Prompt trials were to be guaranteed, but no sentence was to be executed, until approved by the commanding officer of the district. In this form the bill passed the House and reached the Senate on February thirteenth, 1867. It will be noticed that it was purely a military bill, designed for protection alone. It contained no provisions for suffrage, or for the exclusion of those who had taken part in rebellion from acting

in the government. The House also passed about the same time a bill for the reconstruction of Louisiana, drafted on lines suggested by Sumner at the previous session.

The lateness of date counselled promptness of action; for the session would close on March fourth and the delay for the President's veto must also be allowed. The Senate at once entered upon their consideration and continued for three days and until three A. M. of the fourth. Sumner expressed himself willing to vote for both as presented, if it was thought best to hasten their passage. The one he thought embodied a complete system of protection and the other a complete plan of reconstruction. But the discussion revealed great differences of opinion upon them among Senators. Some were content with the military, wishing to secure simple protection to the loyal people in the South; others wished measures of reconstruction added. Upon reconstruction too there were differences. Some were content with equal suffrage for the freedmen; others wished those who had been in rebellion excluded from voting. With the hope of bringing some order out of this chaos and securing prompt action, a caucus of Republicans was called for the forenoon of February sixteenth.

At this caucus a committee of seven was appointed to which all the pending propositions were to be referred. The members of this committee were Sherman, Fessenden, Howard, Harris, Frelinghuysen, Trumbull and Sumner. Sumner moved in the Committee that the existing governments be declared invalid in the proposed bill. This carried. He also moved that the States in question be designated simply, "rebel states." This also carried. But when he moved that in the constitutions to be drafted by the "rebel states" preparatory to reconstruction, there shall be no exclusion from suffrage on account of color, this was voted down, only one other member of the committee, Howard, sustaining him. Sherman, the Chairman of the committee was strongly against it. Sumner's motion to exclude those who had been in rebellion from suffrage, also failed, as did also an effort to substitute the Louisiana bill that had been passed by the House, making it apply to all the insurrectionary States. These efforts failing, Sumner then gave notice to the committee that he would appeal to the caucus, considering the bill in the form drafted by the committee highly objectionable.

When the committee reported their bill to the caucus, he stated his objections and moved an amendment to it, in enlarged form, to the effect that each State in its new constitution should incorporate a provision that all citizens without regard

to color, with a proper residence, should be voters. He argued that now was the time to settle this question and supersede its discussion in the Southern States, where repetitions of the New Orleans riots could be expected to attend it. He thought its discussion would cause disturbances in every State and village from the Potomac to the Rio Grande. It was near the noon hour and members were anxious to vote. The vote was taken by ayes and noes, the members standing to be counted. There were two counts and it carried, seventeen ayes to fifteen noes.

Thus in this small meeting and in this summary way the fate of the great question of equal suffrage for the freedmen was determined. For Sumner it had been a labor of years followed persistently on the platform, at the hustings, in the Senate, by letter and by personal entreaty. Commencing with three or four votes in the Senate, by constant agitation it had grown until it now triumphed, by being made, in caucus, the policy of the dominant party, to which the Republican votes were pledged. It was an occasion of great satisfaction to Sumner and to those who had stood faithfully by him. Clearer than his associates he had foreseen the coming issue and had pressed it to a solution. Some complain that it is not settled yet. But it has given the South almost half a century of comparative peace and, with farther education for the black race, promises still greater results for the future.

In the form the bill was approved, Sumner confessed it was not all he desired. He would have provided provisional Civil governments for these States to shape them into their new political life and superintend the transition. He would also have provided a means for the freedmen to secure an education and homestead. But these things he could not secure. Even in triumph he was constrained to confess that: "It is in politics as in life,—we rarely obtain precisely what we desire."

During the evening session of that day, Sherman, chairman of the caucus committee, moved the bill as amended by the caucus as a substitute for the House Bill. It was Saturday, February sixteenth. The debate was protracted late into the night. At midnight Sumner, assured that without further amendment it would receive the Republican vote, left the Chamber for his home. It had been an eventful day to him. At six o'clock Sunday morning the vote was taken and the bill passed by a party vote, twenty-nine to ten. The friends of the measure saw the magnitude of the measure and there was corresponding exultation among them. Sumner said Wilson wished to dance with somebody.

When the bill reached the House it was at first rejected.

Only thirteen days of the session remained and it was feared the measure would fail for lack of time. A veto of the President was assured and he was also permitted by the Constitution to hold it ten days, exclusive of Sundays, for consideration. The House Republicans finally agreed to pass it with an Amendment excluding ex-rebels, disqualified by the Fourteenth Amendment from holding office, from the right to vote for, or be members of the constitutional conventions and from holding any office under the provisional governments. Thus amended, both the Senate and the House passed the bill.

During the consideration of the bill upon the House amendment there was a passage in the Senate between Sumner and Sherman. The latter thought Sumner was asking too much, that he was hard to please, that having secured all he asked, equal suffrage, in the Senate substitute, he was now seeking more, the exclusion of ex-rebels from power, and education and homesteads for the freedmen. Sumner reminded him that he had often before asked them; and referred to his speeches of years previous to prove it. He reminded Sherman that he had been the laggard and how tardily he had advanced to Sumner's position on equal suffrage and the exclusion of Confederates. He also gave Sherman notice that he expected to continue to advance and him to continue to follow. It was a form of speech that Sumner occasionally indulged in towards antagonists. His colleagues did not relish his "lecturing" and it often caused feelings of resentment towards him.

There were good grounds for Sumner's claims in his own behalf; for he was the aggressive reformer of the Senate. Democrats too liked occasionally to twit Sumner's Republican colleagues about it. A few days later, during another debate on reconstruction, Buckalew of Pennsylvania said: "The propositions which the Senator from Massachusetts makes one year, and which are criticised by his colleagues as extreme, inappropriate and untimely, are precisely the propositions which those colleagues support with greater zeal and vehemence, if possible, than he, the year following. In short, Sir, we can foresee at one session of Congress the character of the propositions and of the arguments, with which we are to be favored at the next, in this Chamber, by looking to the pioneer man, who goes forward in advance, his banner thrown out, his cause announced, the means by which it shall be carried on and the objects in view proclaimed with force and frankness."

When the Reconstruction Bill reached the President he retained it the ten days and on March second, returned it with his veto. It was understood he held it for the Constitutional time

so as to permit it to be defeated by dilatory tactics in Congress. But this was prevented by a motion and it passed both Houses over his veto by a strict party vote, on the same day it was returned by the President. Thus was enacted the famous Reconstruction Law, giving to the freedmen, the right to vote.

It is an interesting reflection, that it probably would not have been enacted, but for the perversity of the Southern States, just as slavery would not have been wiped out where it already existed, had the Nation not been driven to it by the conduct of the South. Both stand out as examples of how an overruling Providence sometimes makes the wrath of man to praise Him. It was the feeling of many Northern statesmen that if the insurrectionary states voted to ratify the Fourteenth Amendment, they should be restored to their privileges of statehood. Such a resolution was placed in the Republican platform of the State of New York. It was believed that the South, being deprived of the increased representation their slaves had given them so that, not being permitted to vote, this Amendment would forbid them being counted as a basis of representation, she would grant the suffrage to her colored people. But the South rejected the Fourteenth Amendment. She had President Johnson on her side. She thought that with the patronage at his disposal, he could compel the North to allow her increased representation to remain. The North was driven to another way of dealing with the question and she passed this law for equal suffrage. Two of Sumner's great purposes in public life had now been accomplished. By the Thirteenth Amendment to the Constitution slavery was abolished; and now the right of the freedmen to vote was secured. This right was soon to be sealed by the Fifteenth Amendment.

One of the last measures passed by this Congress was a law requiring the next Congress to meet immediately on the expiration of the present. The distrust of the President had become so great that it was not deemed wise to leave matters in his hands for the next nine months without retaining some means of controlling him. It was feared that he would attempt to place some such construction upon the Reconstruction Law as would defeat its intended operation. The new Congress therefore met promptly on March fourth.

Its first work was to pass a supplementary Reconstruction Law, prescribing in detail a method of registering voters and summoning conventions to frame constitutions in the insurrectionary States, preparatory to readmission to representation. This bill was passed and vetoed and passed again over the President's veto, by a vote of forty ayes to seven noes in the

Senate and one hundred and fourteen ayes to twenty-five noes in the House. The vote showed the opposition that the last election had developed to the President. This Congress adjourned on the thirtieth day of March, but with the same want of confidence in the President its predecessor had shown, its adjournment was only until July third. The Senate was, however, convened in executive session on April first, by proclamation of the President. During this adjournment of Congress the expected happened. By an adroit construction placed upon the Reconstruction Law, by the Attorney-General, in an opinion furnished the President, it was seen that its operation would be hampered. As soon as Congress reconvened on July third, it passed another supplementary law to obviate the construction placed upon the original act. This was vetoed as usual by the President and as usual passed over his veto, by an overwhelming majority.

When both of these supplementary acts were before the Senate, Sumner offered amendments to them, requiring the constitutions of each of the States to contain a provision requiring the legislature to establish and maintain a system of public schools open to all without distinction of race or color. He would also have required free schools as a condition of reconstruction. Some Senators said, "Wait till the constitutions formed are presented to Congress," but he said, "No, that would not be fair." He wished to be plain and explicit. They had the power and they should seize the present moment to exercise it. Some would act upon the principle of doing as little as possible, but he would do as much as possible that would redound to the good of all and to the National fame. Electors by the hundred thousand would soon exercise the franchise for the first time, and without preparation for it and they should be educated promptly. Without education all this other beneficent legislation might be a failure and the gift bestowed be perilous. He asked that education accompany and sustain suffrage.

"I plead now," he said, "for education. Nothing is more beautiful or more precious. Education decorates the life, while it increases all our powers. It is the charm of society, the solace of solitude, and the multiple of every faculty. It adds incalculably to the capacity of the individual and to the resources of the community. Careful inquiry establishes what reason declares, that labor is productive in proportion to its education. There is no art it does not advance. There is no form of enterprise it does not encourage and quicken. It brings victory and is itself the greatest of victories."

He argued that had these states been more enlightened they never would have rebelled, that statistics showed that in the slave States there were half a million white people over twenty years of age, who could not read or write while in the free States with double the native white population there were only half as many. Here was the source of the Rebellion; a population, that could neither read nor write, naturally did not either comprehend or appreciate good government. In Massachusetts free schools had been founded and maintained according to the words of her statute, "that learning may not be buried in the graves of our fathers," in Virginia her Governor had publicly thanked God that there were no free schools nor printing there, and the hope was expressed that they would not have them these hundred years. The example of each had spread. In Massachusetts one in four hundred and forty-six of the adult native white population could not read or write; in Virginia one in five; in Connecticut one in two hundred and fifty-six; in South Carolina one in eight; in New Hampshire one in one hundred and ninety-two; in North Carolina one in three. Hence he traced the Rebellion. He asked them to be taught by this experience and demand now a new safeguard for the future. As the soldier would disappear let his place be supplied by the schoolmaster.

But the proposition met with opposition. Other Senators more easily exhausted than he and feeling less interest in the subject, were growing tired of reconstruction. They wished to be done with it. Again they insisted he was too late and asked why he had not called attention to it earlier. But he answered he had done so, long before, as early as 1865, and had continued to do so ever since, in season and out of season. The fact was, in the larger interest and greater zeal with which he had pressed for equal suffrage, the subject of education had been overlooked by them. Frelinghuysen insisted, that to undertake to add new conditions to the reconstruction measure, the last Congress had passed, would be bad faith; that such was not the way to do business; the nation should keep its faith. Sumner answered that the law was not yet old enough to have invited action upon it so as to prejudice any one. Patterson of New Hampshire asked if he thought it possible to establish a system of common schools in the South corresponding to those of New England without first confiscating the large estates and dividing them up into small homesteads so that there might be small landholders, able and willing to support them by taxation. When the vote was taken on Sumner's amendment it was a tie and so the amendment was lost. When

Sumner moved the same amendment to the Reconstruction Bill of July, it was voted out of order under the rule limiting the business of the session.

It was with much regret that Sumner saw this new failure of his effort for education. The freedmen were coming to their new right, eager for improvement and, as he well knew, needing it badly, to qualify them for citizenship. A provision of some kind should have been attempted to afford this much needed improvement. The regret continued and time has justified him. It has been a subject of much earnest thought, how to educate and elevate the colored people of the South. George Peabody, a philanthropic citizen of Massachusetts, had recently given two million dollars for the promotion of education there and in the destitute portion of the South-West, and Sumner at this session moved and had passed a resolution of thanks and a gold medal to be given him in the name of the people of the United States as a recognition of his beneficence. In a still wider spirit Sumner had spoken in favor of a medal to Cyrus W. Field for his work in the construction of the Atlantic cable. He had carried a reduction of the tariff on books and charts and educational and philosophical apparatus. All these, this Congress had voted. He also advocated, though unsuccessfully, a department or bureau of education. Though education for the colored people of the South also failed, yet after all is it not in the hands of the colored people themselves that this question has found its best solution? Around their own churches and Sabbath-schools have grown up literary societies for secular culture and in the hands of their ministers and teachers, such men as Booker Washington, the best progress has been made. Their own desire for improvement has been the best sign.

Sumner was not the man to be tamely bound, by an iron rule, that prevented legislative action upon measures that he deemed important. Though sometimes he yielded to such a rule, it was only after a stern struggle against it. There were three special sessions of this Congress before the opening of its first regular session in December, one commencing March fourth, another commencing July third and still another commencing November twenty-first. Sumner was one of the earnest advocates of these special sessions. He opposed each adjournment, but the last, which was immediately before the commencement of the regular session. His argument was that the President was a constant disturber and a mischief-maker, and so long as his administration continued it was the duty of Congress to be on guard and perpetual watch, against him. He

felt that they should continue in session during the summer so as to be at hand for any emergency that might arise. The head of one of the Departments had assumed to appoint to office persons in the South, who had taken part in the Rebellion and whose disability to hold office had never been removed. If Congress were adjourned these appointees would hold over until the regular session in December. Then would come up a question as to their pay for services rendered during the recess. If the Senate were in session it could refuse to confirm the appointments and thus that vexatious question could be avoided. But others were more eager to escape the heats of Washington and less devoted to their work. The most he could accomplish was the sessions held. This much was accomplished only after overcoming considerable opposition.

But when they met, there was a further difficulty. At the opening of the July session a caucus of the Republican Senators was held at which a resolution was passed to confine the business of the session to removing obstructions to the Reconstruction Laws and giving them the scope intended. Sumner had attended this caucus and taken part in its proceedings and had voted against this resolution. He had gone to the caucus, without knowing what was to be considered, and after the vote was taken on the resolution he arose in the caucus and said he would not be bound by it. Fessenden answered, Then you should not have voted, if you did not intend to be bound by the decision of the majority. Sumner replied that he was a Senator. He insisted that he was under an obligation to discharge his duties as a Senator and that they could not tie his hands from the discharge of that duty by invoking a rule of a caucus. He argued that it was his duty to resist the offensive resolution to the last in the caucus, and if beaten there, renew the fight against it in the Senate. He was therefore offering other business when he was interrupted by Fessenden who insisted on the limit agreed on in the caucus. An altercation between them ensued in which some bitter expressions were used by Fessenden. But the rule of the caucus was adhered to and by resolution was made the rule of the Senate.

According to the rules governing parties in caucus, as we have come to recognize them, this disposition of the matter was correct. A caucus could be of little use, if, after its action, parties were still free to follow their own bent, untrammelled by what had been agreed to in it. It was asked of Sumner in this altercation if he had not received the benefit of the same rule when the caucus had voted to require equal suffrage for all, in the future constitutions of the Confederate States. Sumner

admitted he had. What if the minority had then refused to be bound by the vote of the caucus? was quickly asked. But Sumner insisted the cases were different, that to repudiate a proposition for liberty was very different from repudiating one against it. Fessenden bluntly retorted that there was no difference at all, that when one promised to do a thing, with a full understanding, he had no right to do otherwise, whether it be one way or the other. He assumed that when a man took part in the proceedings of a caucus he impliedly promised to be bound by its action. This Sumner denied. He regarded a caucus vote as the recorded result of the deliberations of political associates, so far as practicable, a guide for their action, but not a constraint embodied in a perpetual record.

Another measure of far-reaching importance belongs to this period of Sumner's life. I have postponed the mention of it so that the work of the *two* Houses of Congress might be concluded without a break, before entering upon it. I refer to the purchase of what is now the Territory of Alaska from Russia. This negotiation had been secretly conducted by Secretary Seward during the winter and spring of 1867 and the treaty was signed by him and the Russian Minister on March thirtieth. Late the evening before, Sumner, on reaching home, found a note waiting for him, from the Secretary asking if he could come to his house, saying that he had a matter of public business about which he wished to confer with him at once. Sumner went to the Secretary's house, but found he had already gone to the Department. His son, the Assistant Secretary, however, was there and the Russian Minister soon came in and for the first time Sumner learned that a treaty was in progress for the cession of Russian America. The minister took a map and pointed out the boundary and explained the terms of the proposed treaty. Sumner expressed no opinion upon it, but went over the whole matter carefully. They separated at midnight, the Minister going to the State Department, where the treaty was being copied and he added, as he bade Sumner good-night, an entreaty that he would not fail them, knowing how important it was to have with them the Chairman of the Committee on Foreign Relations of the Senate. The treaty could not be made without the advice and consent of the Senate and it was the report of this Committee which would largely determine the action of the Senate.

The treaty was signed at four o'clock on the morning of March thirtieth, which was the last day of this session of Congress. An adjournment was then to take place to July third. The day it was signed the treaty was sent to the Senate for its

consideration and was at once referred to Sumner's Committee.

The President convened the Senate in Executive session the next day. The members of the Committee were Sumner, Fessenden, of Maine, Cameron, of Pennsylvania, Harlan, of Iowa, Patterson, of New Hampshire, and Johnson, of Maryland. On April eighth the Committee reported it to the Senate with a recommendation that it advise and consent to the treaty; and the Senate then proceeded to its consideration. Sumner spoke at length the next day on the subject. As it was in Executive session, the proceedings were secret and no reporters were present. The ban of secrecy, however, was afterwards removed, and having been requested to reduce his speech to writing so it could be published as a means of furnishing information on the subject to the public, Sumner consented and it was afterwards written out and published. Though he spoke from notes of less than a sheet of paper, for three hours, his speech as published occupies one hundred and sixty-five pages. He elaborated it in preparing it for publication.

It began with a description of the Territory. As ceded it was estimated to contain 570,000 square miles and the price fixed was \$7,200,000, in gold, or about \$12.64 per square mile or twenty cents per acre.

The country was at this time comparatively unknown and here lay one of the chief difficulties the treaty had to encounter. There had been no preparation for it,—no sentiment in its favor worked up; and being foreign country and in a northern latitude, little opportunity had been offered for general information about it. A trip to it was not then a delightful summer excursion over deep seas of bright and sparkling waters, studded with beautiful islands and hemmed with rock-bound coasts, among which palatial steamers threaded their way carrying annually thousands of tourists. The region was then hardly known beyond its savage inhabitants or the hardy fishermen or solitary trader and his voyageurs, who made their way thither to catch the fish that swarmed its waters in shoals, or to traffic in the rich peltries the country produced. In preparing his speech, Sumner was obliged to glean his information from many sources. Books of travel of early voyagers, information furnished by the reports of trading fur companies as well as works in the Russian language which he was obliged to have translated for him. All were laid under contribution.

After describing the extent of the proposed purchase and the title of Russia to the country, Sumner explained the early history of the treaty. The matter had been mooted as early as the administration of President Buchanan, when it was sug-

gested, to Russia, by Senator Gwin of California, professing to speak for the President unofficially, that she was too far away to make the most of the possessions and that we could derive more from them. There was also some unofficial talk about the price. In the succeeding excitement of the Presidential election and the Rebellion, the matter was lost sight of for the time. With returning peace, however, the people on the Pacific coast again pressed the matter. They wished new facilities to obtain fish, fur and ice. The Legislature of Washington Territory memorialized President Johnson on the subject and the matter was turned over to Secretary Seward. Senator Cole, of California, also pressed the matter. Some rights that Russia had granted to fur companies were about to expire and the companies were seeking an extension of them for twenty-five or thirty years. Their dealings had not been satisfactory, so that a crisis in the affairs of the company seemed at hand. In the meantime Russia had been making an investigation into the value of the possessions in consideration of an offer of \$5,000,000, that had been suggested during Buchanan's administration. The Russian Minister had returned home on leave of absence, promising to promote the good relations between the countries on the subject. He presented the matter to his Government and, as he was returning, he was instructed to offer the possessions to us. Upon reaching this country the matter was concluded by telegram, on March twenty-ninth. At four o'clock the next morning the treaty was signed by Secretary Seward and the Russian Minister, Baron Stoeckl, acting for their respective countries.

In this simple manner the important transaction was brought about, without protocol or dispatch or other writing till the final conclusion of it, if we except two short notes, in length, as printed, not so much as a single page, and they only conveyed the expression on our part that the cession must be, without any reservation of privilege or franchise of any company, and offered the \$200,000 additional if this be granted; and it was. The occasion of these two notes was one monopoly enjoyed by a fur company and another by an ice company, which we wished extinguished. The treaty was to be ratified within three months and the money to be paid within ten.

In considering the treaty generally, Sumner argued that it would be a great advantage to the Pacific Coast States inasmuch as they were already procuring supplies of ice there and also wished to supplant European countries in its fisheries and its trade in furs. Its coast abounded in numerous fine harbors, whereas that of the United States then had only San Fran-

cisco of any considerable value from Panama to Puget Sound. This was an important consideration, not only as furnishing an outlet for our own trade but as reaching out for that of China and Japan. Its acquisition would satisfy our Anglo-Saxon "greed for land," furnishing increased size of our territory and increased consciousness of strength. But more than this, it would furnish an extension of Republican institutions and enable us to dismiss another European monarchy from our continent, which was destined, he believed, to become the undivided home of the American people.

The acquisition of the strip, he argued, would anticipate a desire of Great Britain to possess it because the value of her interior would be depreciated without it. She had not been friendly to us during our late war, while Russia had been our constant friend. "The Rebellion which tempted so many other powers into its embrace could not draw Russia from her habitual good will." Simultaneously with the talk in England and France of recognition of the Confederacy, had been the appearance of a Russian fleet in New York harbor and another in that of San Francisco; and then the talk ceased. It was argued that Russia, standing alone against the other powers of Europe, was only wishing to create another rival to them on this side of the Atlantic. The same wish may have prompted her to cede this territory to us that it might not fall into the hands of Great Britain. It was at all events hoped that our acceptance of the offer might show our appreciation of Russian friendship and cement the feeling of amity.

One thing Sumner did not like and, while he favored the ratification, he filed his caveat against it. This treaty must not be made a precedent for indiscriminate and costly annexations. He believed we were predestined to occupy the continent, but our growth should be by natural process, without war and without extensive purchase. Our motto should be that of Goethe, "Without haste, without rest." Our growth should be by the attraction of Republican institutions, rather than by blood or money.

But the most elaborate and most valuable part of Sumner's speech was his timely and elaborate discussion of the character and value of the territory. All talk of purchase must have been idle, if the people and Congress could not be persuaded of the value of the possession. The opponents of the purchase called it "rock and ice" and attempted to ridicule the project of buying what they said Russia herself had come to regard as worthless. Sumner showed how false such talk was.

Without a knowledge of climatic laws, the weather there, he

declared, would seem like a freak of nature. The winters were much less severe than in corresponding latitudes on the Atlantic. One traveller had spent seven winters there between latitudes fifty-one and fifty-seven degrees and lying so near the shore as to have the cable tied to the trees and yet only once was the ice around his ship sufficient to bear the weight of a man. Pines grew six feet in diameter and one hundred and forty feet high, while in the corresponding latitude on the Atlantic the same species were scarcely sufficient "for studding sail-booms." This was owing to the thermal currents, corresponding to the Gulf Stream in the Atlantic, which starting under the Equator near the Philippines, sweep northward, passing Japan and separating, one branch going to Bering Strait, the other bending eastward along the Aleutian Islands and thence south along the coast of Sitka, Oregon and California. They were like pipes of hot water carrying the heat from warm boilers to cool apartments above. Every ocean wind traversing these streams of heat took up the warmth and carried it to the coast. These currents of air and water were aided by the configuration of the coast, nearly paralleled by lofty and impenetrable chains of mountains confining the warm air from the ocean and warding off the cold from the Arctic regions. So that the mean annual temperature of Sitka is about the same as that of Montreal though it is ten degrees farther north. Its temperature in winter is about the same as that of Washington, D. C., while its summers are twenty degrees cooler. Thus summers are cooler and winters warmer than in corresponding latitudes on the Atlantic coast.

Sumner explained that the natural results expected to follow these climatic conditions appeared in the products of the country. On every side in the southern parts were impenetrable forests reaching from the coast to the mountain tops. The trees were superb pines fit for masts for the largest ships. When the timber disappeared there was long grass, berries, such as raspberries, elderberries, cranberries and whortleberries, and currants. Many of our garden fruits flourished, radishes, cabbage, cauliflower, peas and carrots. In the world's present enormous and wasteful consumption of wood, its forests promised to be, in the future, of incalculable value. In minerals, the country revealed gold, silver, copper, lead and coal.

One of the great products of the country was its furs. It abounded in sea-otters, seals, foxes, the reindeer, the beaver and the bear in great numbers. In one year 800,000 skins of the ursine seals were accumulated at the factory at Oonalaska. The value of the peltries was shown when it was remembered

that sea otters, at Sitka, were worth fifty dollars, black fox, fifty dollars, silver fox, forty dollars. These exquisite furs had been purchased by greedy traders from the ignorant natives for a trifle. One early writer described the scene, "Such as were dressed in furs instantly stripped themselves and in return for a moderate quantity of spike-nails we received sixty-five sea-otter skins." As a consequence of such dealing the poor natives soon appeared in worthless hides while their rich conquerors appropriated the beautiful furs they once wore. The greed for the exquisite coat of the sea-otter became so great that the animal was nearly exterminated.

Sumner described the fisheries as of equal if not greater importance than the furs. Fish in great abundance were everywhere taken on the shore, around islands and in every creek and inlet. There were oysters, clams, crabs; and a dainty little fish of the herring tribe called the oolachan, contributed to the luxury of the table, so rich in its oily nature that the natives were said to sometimes use it as a candle." Besides these which he mentioned only to put aside, were the "great staples of commerce and mainstays of daily subsistence, the salmon, the herring, the halibut, the cod and behind all the whale." Down to the discovery of the country, the natives lived on fish, fresh in summer and dried in winter. They were in great plenty. In three hours' time Captain Cook's men caught a hundred halibuts, some of a hundred pounds and none less than twenty pounds. This was near Kadiak. The writings of the early voyagers, which Sumner quoted in great numbers, abound in similar experiences. But, he argued, in order that there may be profitable fisheries, there must be the existence of banks and a proper climate as well as a market. Fish are not caught in the deep waters of the ocean. The shores here show an immense extent of banks suitable for fisheries, "seeming like an immense unbroken sea meadow adjoining the land and constituting plainly the largest extent of soundings in length and breadth in the known world," larger than those of Newfoundland and Great Britain together. These facts as to the extent of these fisheries were proven by the actual survey of the coast but better still by the actual experience of the fishermen themselves. The climate, too, was favorable for the taking and the preservation of the fish. It is not so cold as to interfere with the catch nor yet so warm as to prevent them being preserved; and although near Sitka the constant rains prevent their being dried in the sun, they can be easily taken to curing stations, as is done on the Atlantic coast. An abundant market was furnished in Washington, California and Oregon and our

country eastward. Sumner traced the rise and development of the fisheries on the Atlantic coast and predicted that those, now purchased, would yet rival our immense interests in the business on our eastern shores.

In conclusion Sumner suggested that a new name must be furnished our new possessions. They had been heretofore known as "Russian America" or "Russian Possessions in America." Such names after the country had ceased to belong to Russia would be obviously improper. He therefore, in looking for a more appropriate name, was attracted by the designation of the promontory stretching towards the Aleutian Islands which had been called by Captain Cook, "Alaska." It was the name applied by the natives to the American continent, meaning "great land." Sumner suggested the name for the whole possession. Mr. Hilgard, of the coast survey, prepared a new map of the country. It was to appear for the first time with the pamphlet edition of Sumner's speech. In a letter to Sumner, he wrote: "As this edition will make its first appearance appended to your speech, I have ventured to put on it the name Alaska, proposed by you, as I have no doubt it will be generally adopted." It has been universally adopted and has ever since been the name of our Arctic possessions.

I have thus given a somewhat extended outline of Sumner's speech to enable the reader to see something of its real character and the labor he gave to it. It was a marvel of research, happily arranged and clearly expressed. Until it was published, we had no compendious treatment of the subject. Though he was obliged to grope in all sorts of out-of-the-way places for information, the work was conscientiously done. It affords today one of the best and most useful treatises, on the resources of the country; and has been much read and relied upon, for ready information on the subject. When the question of the purchase was before the country there was an earnest inquiry for such information. Congress had not yet voted the money to pay for it, the country was badly in debt and burdened with pensions and other large expenditures, our inheritance from the war. There was rife talk of repudiation. The people must be persuaded that the proposition of purchase had merit, before Congressmen could be expected to vote an increase of the National debt for this purpose. Sumner's speech did very much to turn the tide in its favor. It showed by an authority, that men had come to regard with confidence, that the property was more than worth the price, and that it would be folly for our nation to allow the opportunity, to possess it,

to escape. That Sumner should advocate it when proposed by President Johnson and his Secretary, between whom on general questions, there was so much disagreement, showed his statesmanship. With him, in public matters, the advocate was nothing, the merit of the proposition, everything.

Fessenden moved in the Senate to postpone the further consideration of the treaty, but his motion was voted down. The ratification of it was voted by the Senate, the same day that Sumner spoke, by a vote of thirty-seven to two, Fessenden and Morrill of Vermont voting against it. The money to pay for it was not voted by the House until July, 1868, more than a year later and then only after an acrimonious debate. Some feeling was shown towards the President and his Secretary for having proceeded so far with the negotiation in secret, without reserving any judgment for the other Departments of the Government. The Secretary felt the importance of the treaty so fully that he hardly intended to leave it where Congress could defeat it without great embarrassment. This did contribute to its successful termination. But it was the powerful influence of Sumner, that gave direction to public sentiment, on the subject, and insured its success. His speech was published in full, notwithstanding its great length, in the Boston Journal, extracts from it were published in other dailies, a Russian translation of it with an introduction was published in St. Petersburg; and it was widely read and commented on in influential quarters. The Secretary of State subscribed for copies of the pamphlet edition of it, printed in this country, out of funds of the State Department, and distributed them to Members of Congress and the public.

Sumner's caveat against indiscriminate acquisitions of territory, contained in the speech, proved to be well-timed. Seward had a strong tendency towards territorial aggrandizement. He seriously contemplated the purchase of the island of St. Thomas, one of the West Indies, belonging to Denmark, for \$7,500,000. Denmark sent a special agent, General Raasloff, to this country to promote the negotiations. He remained in Washington some months and saw Sumner frequently on the subject, but Sumner would have nothing to do with it. The island is an unhealthy, storm-swept rock, frequented by hurricanes and dotted by volcanoes, altogether of little value. The negotiation, though persisted in till Seward went out of office, was a dismal failure. He had also cast a longing eye towards Mexico and the Sandwich Islands.

The acquisition of Alaska was a complete reversal of the policy of our government. Under the domination of slavery, we

had made repeated acquisitions of territory to the South for the purpose of increasing its influence in the two Houses of Congress. Prior to its domination, in 1803, we had acquired the Louisiana Territory, partly North and partly South. But after this, all our acquisitions had been in the South until now, Florida in 1819, Texas in 1845, parts of New Mexico and Arizona, all of California, Utah and Nevada in 1848 and still other parts of New Mexico and Arizona by the Gadsden Purchase in 1853. The purchase of Alaska therefore was a complete departure from the pro-slavery policy of the Government and turned the eyes of the Nation northward. Its acquisition, however, was attended with some regrets at the blundering of the same period that had lost us British Columbia. It would have given us an unbroken Pacific coast-line from Lower California to the Arctic Ocean.

## CHAPTER XXXV

### THE PROPHETIC VOICES ON AMERICA—LECTURE ON “THE NATION”—LEAVING THE OLD HOME IN BOSTON—NEW HOME IN WASHINGTON—HABITS—VISITORS

THE preparation, for publication, of his speech on Alaska, occupied Sumner's time between the adjournment of the Executive session of the Senate in April and the Extra session of Congress in July. After the close of this session Sumner went to Boston. But the time hung heavily on his hands. He was without a home and a companion. His mother's house where he had so long enjoyed the quiet of his vacation was closed, to be open to him no more. The two previous summers it had been occupied by him and his wife as their home, though part of each they were absent from it,—at Newport together, part of the first, and she, at Lenox, the second. But the sequel of their married life was a sad one. She was not happy and as he predicted there could, therefore, be no happiness in the union for him. The first winter passed in the routine of Washington life and without incident, so far as the public knew. After the close of the session in Washington, they returned in June to their home in Boston. During the same month she went to Lenox,—and so they parted—never to meet again. The friends of both parties continued to hope, for some time, that a reconciliation would be had, but it never came. Some years later he procured a divorce. Those in position best able to know the facts acquitted him of any fault. Mr. Hooper, at whose house they had met, and who had stood towards her as a father, continued Sumner's friend to the end, was present with kind offices at his last sickness and death, and to him were addressed in friendly recognition his last words.

The details of the separation, each side with equal good taste, withheld from the public. The real cause for the separation, however, lay in the disparity of their ages. It is seldom that a union is happy where such a disparity exists. He had become engrossed in public affairs. With an industry rarely equalled, he had given his undivided attention to the duties of his office; what is known as society was given little of his time. It was too late to change the habits which had grown upon him with the years. They were now a part of himself. Her life had

been cast in an entirely different mould and she could not fall readily into the habits of one so many years her senior. The place of the wife of a man of his prominence with its hard round of social functions at Washington and Boston, would have been no easy place for one much older and who had grown into it with his growth.

This brief statement covering a period of eight months, relates all the public ever knew of the story of Sumner's married life. But it was a relation that tinged the remainder of his days. The thought came sadly to him that he was never to know again the comforts of a home. As the years went by, the hard troublous days brought a struggle with Johnson and then another with Grant, with loss of friends, with sickness and age and there came too a feeling of loneliness, growing upon him to the end. On all sides there was respect and admiration, amounting almost to veneration, but when the time had come when he needed the affection and tenderness of a home, there was none. He stood like the last oak. If he found help, it must be at the hands of men and of strangers, often good enough and faithful enough too of its kind, but who that has spent much of his life in hotels and boarding-houses has not grown tired of the kind. Of womanly tenderness and sympathetic home confidence and companionship he found none. It seemed a poor lot; and by the hard work and the good he had done he felt he deserved a better one.

And so his married life ended. But their separation had not before come so sadly to him as now. During the sessions of Congress, crowded with work and much in the society of his fellow-Senators, his mind had been withdrawn from it. But with the work of the sessions done and the time of vacation at hand, away from Washington and its excitement, among the quieter days at Boston, it came heavily upon him. It was publicly known and talked about. He sought a respite from the thought of it, in his never-failing solace, books. Books are friends that never fail us. In the preparation of his speech on Alaska, his thoughts had been turned to the widening prospect of his country. The vision that it opened to him was a pleasant one and he found easy diversion in pursuing the subject.

He turned his attention to the preparation of an article on "Prophetic Voices Concerning America," which was published in the Atlantic Monthly for September, 1867. It afforded him a wide field for reading, groping among old, and almost forgotten, authors, and in curious places, in literature. It was a kind of diversion he enjoyed and was like his study of engravings, that had solaced his thoughts, while in the hands of

his physician and suffering from the assault by Brooks. The monograph was afterwards amplified, with a view to separate publication, at the approach of our Centennial Celebration, in 1876. It now occupies one hundred and eighty pages of his works.

It is a curious collection of prophecies, made at different times, by many men, concerning the future of America. It is arranged in heads, under the name of each of the authors quoted, and contains as introductory to the prophetic matter quoted, a brief biographical sketch of the author, whose prediction is given with comments on the prophecy, and an extended introduction and conclusion to the whole monograph by Sumner. In the opening sentence, he pronounces the discovery of America by Columbus, "the greatest event of secular history." In numerous places crops out the support of the prediction he had ventured, in his speech on Alaska, that some day Canada would be part of the United States and that the whole continent of North America was destined to become the home of one people. Turgot, the French philosopher and statesman, wrote in 1750, predicting our Revolution: "Colonies are like fruits, which hold to the tree only until their maturity; when sufficient for themselves they do that which Carthage afterwards did,—*that which some day America will do.*" Sumner added, "At the time Turgot wrote, Canada was a French possession; but his words are as applicable to this colony as to the United States. When will the fruit be ripe?" He quoted John Adams, De Tocqueville and Cobden in support of his prophecy; and criticised Jefferson and Daniel Webster for a narrow view of our destiny, they believing that an independent nation would some day occupy the shores of the Pacific where are now the States of California, Oregon and Washington.

Sumner received numerous congratulations on this monograph. Men wondered that, with the many other demands on him, he could still find time for such work and they were still further surprised, when he undertook it, that he could do it so well. His industry and the resources of his mind seemed remarkable to his friends. Edmunds, remembering the caustic characterization of himself by Sumner, in the interview in the Boston Advertiser humorously wrote him on reading the monograph, that he hoped he would not hasten the irresistible attraction prophecy but bring his "obstructiveness and technicality" to bear against the purchase of St. Thomas and Cuba. Edmunds was in favor of the acquisition of British Columbia.

When Sumner had finished his monograph and handed it to the magazine, he plunged into the preparation of a lecture on

"The Nation". Its preparation, he hoped, would banish unpleasant thoughts and furnish congenial employment for the balance of the recess. He had never stood before a Western audience. He had never been in the West but once and then with little opportunity to mingle with her people. He wished to see more of this section, that in later years had added so much to the strength and greatness of the Republic. He had been foremost in defending her rights and keeping her free. A lecturing tour would furnish him an excuse for going, an opportunity for seeing, and likewise take him away from Boston for a time. He had thoughts too of establishing a home for himself in Washington, but doubted his ability to meet the expense of such an establishment. The income of his lectures would aid this plan. It would do good, he hoped, to call popular attention to the nature of our Government and enforce the theory of its National character instead of the narrow construction placed upon it by the advocates of State Rights.

The purpose of Sumner's lecture was to combat the idea, advanced by John C. Calhoun and the Nullifiers of 1832 and the State Rights advocates of the South, that we are a union of Sovereign States and not a Nation, that this Union is simply a league entered into by the States, which retain, however, their sovereign character, that they can withdraw from it at pleasure and re-established themselves in new relations at will, that a few rights are specifically granted to the general Government, that all others are reserved by the States, including the right to establish slavery, fix the right to vote, etc. This theory had culminated in the Rebellion. Sumner insisted, to the contrary, that we were a Nation, that though many things are necessarily left to local self-government in the hands of the States, the great principles of unity and Human Rights are under the control of the central Government. This had been a controlling principle of Sumner's public life. He believed this theory, as important to be kept in mind now as ever, that though the war was over and this construction had prevailed, there was danger of its being forgotten. He thought the Nation should shun those pestilent persons, who would carry trifles to the highest magistrate, but should hold firmly to the great cardinal principles of human rights, that it should insure equality, abolish all discriminations among citizens and refuse to tolerate the preposterous pretension that color, whether of the hair or of the skin, or any other unchangeable circumstance of natural condition, may be made a qualification of the voter. The essential condition of our National life, he insisted, should be, "one sovereignty, one citizenship, one people". The Rebellion had

proceeded from hostility to the principle of equality of all men, therefore this principle must now be made the supreme law, that we could not trample out the Rebellion, till the principle that produced it was trampled out also.

Sumner cited examples of the perils of a nation, composed of separate, independent communities; disunited Italy, a prey to petty princes and petty republics, tempting the foreigner by her "fatal gift" of beauty, till reunited by Garibaldi; Germany, with her magnificent territory stretching from the Baltic to the Adriatic and the Alps, with great rivers, one language, one intellectual life and one name, yet only a patchwork of States, full of extravagant pretensions and discordant egotism, each with its own custom house, stifling the aspiration for national unity, sapping the national life with perpetual war and with strife, till the memorable efforts of Bismarck for unity; France divided into great provinces, Normandy, Brittany, Burgundy, Provence, Languedoc and Gascony, ruled over by quarrelsome barons, threatening nullification and sharing turbulence, till the lilies of a united nation floated over her proud and victorious people. The Colonies had passed through a similar experience and the present union was formed to prevent a continuance of its evils. Our Constitution demonstrates our national character. Its preamble commences "We, the people," it guarantees to all the States a republican form of government, it asserts its supremacy over the constitution and laws of every State, and it was opposed and vindicated at the time of its adoption as creating a National Government. He argued that our National character was also shown by the flag with its alternate stripes of red and white, with its stars on a field of blue; and by the configuration of the country chosen to be united, from ocean to ocean, from the Lakes to the Gulf, joined by one great network of rivers, binding all together.

The delivery of this lecture occupied his time from October seventh, when it was delivered first, at Pontiac, Michigan, until November nineteenth, when it was delivered in New York. It was repeated, between these dates, twenty-six times, read during the first part, and without notes the last part of the time. His appointments were in Michigan, Wisconsin, Illinois, Iowa, Missouri and Ohio, in the West; and in Massachusetts, Rhode Island, Maine and New York, in the East.

At the close of this lecture tour, he plunged into the work of removing from the old home, in Hancock Street, Boston. It was a sad task to leave the home of his childhood, rendered still sadder by thoughts of the domestic calamity that finally prompted it. To Longfellow he revealed his feeling of

despondency, when he declared that from this home he had buried his father and mother, a brother and three sisters and that he was now leaving it, "the deadeast of them all." With a heavy heart the family papers were sorted and the furniture was wrapped and the accumulation of his own books and casts and pictures were packed, preparatory to vacating for the new occupant. How the memories of dear ones, all gone, gathered around each familiar object and looked at him, out of each well-known corner! It seemed like desecration, to ask these pictures to leave their accustomed places, and irreverence to the dead. How the thoughts of childhood and mother and sister seemed to linger still about the dear, deserted place! The chill November days without, were no more dreary than his thoughts within. At last the sad work was finished and by the beginning of December he was in Washington ready to move into his new home.

He had purchased, for thirty thousand dollars, a house on Lafayette Square and only across that square from the White House grounds. It was in the best district in Washington, near to and in plain view of the Executive Mansion, not far from the Departments and the Embassies, fronting on a beautiful park, one of the largest in the city, on a corner where sunlight and fresh air were abundant and within easy walk, of a dozen squares, down Pennsylvania Avenue, to the Capitol. The house was commodious, on the first floor a drawing-room, library and dining-room, on the second a guest-chamber and his bedroom with his study between. These rooms were all large, airy and well-lighted. Below and above these floors were the kitchen and servants' quarters. It was in his study on the second floor, with his windows looking out across the Park to the White House that he spent most of his time and ordinarily entertained his friends. Here he worked and read and wrote. A door opened from one end of it into his own bedroom and, from the other, it opened into his guest chamber. This house continued to be his home for the remainder of his life; and it was here he died.

He dreaded the experiment of housekeeping. He feared it was beyond his means, though by the death of his mother, his fortune had now been increased to one hundred thousand dollars. Forty thousand dollars of this sum, were his previous accumulations. But with the large expenditure for his house and the further amount that would be necessary to furnish it, together with the expense of maintaining it, with hired help exclusively, being himself without experience to aid him in such

matters, he feared that his remaining income would not be equal to the drain upon it.

On the other hand he was tired of boarding-houses and longed for greater freedom and a little more of the feeling of proprietorship, in his surroundings. Though avoiding parties, he was entertained much. His long residence at the Capitol and his leadership in the Senate, called him into prominence socially. His chairmanship of the Committee on Foreign Relations and his extensive foreign acquaintance brought him into social relations with the foreign embassies. He enjoyed the social life of the Capitol. He loved the companionship of distinguished men and liked to be upon terms of intimacy with them; and at the social board, no other voice entered more fully and more heartily into the life of the occasion. Indeed he was criticised for having somewhat of the disposition of Macaulay to override others in conversation. He was full of anecdotes of persons and places, which he loved to recall to himself and others and, while not a wit, his ready and hearty laugh responded freely to the sallies of others. It was in such things and his books, that he found his truest recreation. His friends, knowing this, urged the change upon him. It would relieve the solitude of his life and enable him to give, as well as receive entertainment.

He usually, while occupying this house, arose about seven each morning, breakfasted at 8:30 and dined at 5:30. These were his only times of eating. He occupied himself while at the morning meal, with a hurried examination of his mail. This meal being over, his letters were answered and others written, with the aid of his secretaries, clerks of the Committee on Foreign Relations, which he, as Chairman, selected. All of them were at the time young men and between them and Sumner there then and ever after existed a warm and affectionate relation. The balance of the forenoon was consumed in the examination of questions pending before the Senate, with persons who called to see him, the work of Committees, etc.; the afternoons were occupied with the sessions of the Senate. After dinner he drove; and his evenings were spent at his home, usually at work on his speeches or other work of his office. Eleven hours he counted a day's work, but they were often prolonged beyond that. His regular hour of retiring was at midnight, but when pressed, he would remain up and at work later, sometimes all night, substituting a change of linen for the refreshment of a night's rest.

He had now an opportunity to gratify his taste for paintings, engravings and curios and during the remainder of his life he

bought them freely. The walls of the rooms and halls of his home were filled with them. To one who expressed astonishment that he resorted to the popular horse-cars of the day, instead of keeping a carriage and horses of his own, he replied that if he did that, he could not enjoy these things, pointing to his pictures and curios, adding that they were a part of his life, while he could dispense with the other. Here he kept his collection of rare and valuable books. It was a delight for him to go from one to another of these treasures and exhibit them to his friends, dwelling upon the life of an artist or the merits of a picture or the interesting history of some rare book, John Bunyan's Bible, an exercise book that the poet Dryden had studied when a boy at school, a tragedy of Voltaire, and Pope's "Essay on Man," each with the author's own corrections for new editions, a book which had belonged to England's Queen, Anne Boleyn, another of her daughter, Queen Elizabeth, still another of the great Napoleon and, most precious of all, the Album kept at Geneva, Switzerland, by a Neapolitan nobleman, in which were secured the autographs of distinguished visitors to that city, among the rest that of England's great Earl of Strafford and another of John Milton under a couplet from his Comus:

—“if virtue feeble were  
Heaven itself would stoop to her.”

While occupying this house, Sumner seldom dined alone. He would bring a friend with him from the House or the Senate, or a member of the diplomatic corps, or some visitor or constituent, who happened to be in Washington. Here George William Curtis dined almost daily, when in Washington, as Chairman of the Civil Service Commission. Here Charles Dickens met Stanton at dinner and heard him and his host recount their experiences, on the night of the assassination of Lincoln, as well as Stanton's confession, how on many nights of anxiety during the Rebellion he had gone to bed, with one of Dickens' novels under his pillow, so that if the hours proved sleepless, he could drive away the thoughts of his work, with the absorption of his book. Here William M. Evarts came late to dinner on a Sunday, during his preparation for the trial of the Impeachment of Andrew Johnson, and apologized, for his tardiness and such work on that day, by the scriptural inquiry: “which of you shall have an ass \* \* \* fallen into a pit and will not straightway pull him out on the Sabbath day?”

## CHAPTER XXXVI

THE IMPEACHMENT OF PRESIDENT JOHNSON—THE EVENTS THAT LED UP TO IT—SUMNER ARGUES THAT WADE QUALIFIED TO SIT—THAT CHIEF JUSTICE CANNOT RULE OR VOTE—OPINION ON THE CASE

THE session of Congress of 1867-8 is memorable for the impeachment of President Johnson. No other attempt has ever been made to impeach a President. The events that have been narrated in these pages, show how Congress was provoked to this step. The reader will remember his numerous vetoes; his hostility to Reconstruction Laws; his wholesale removals from office, to make room for his friends, that prompted the Tenure of Office Law; his pronounced sympathy for the South; his intemperate public speeches, attacking Congress before the people as an unconstitutional body, because not admitting to membership, persons returned by the States lately in rebellion, his coarse references to some of its Members and even to private citizens, who were prominent in work for the Freedmen. Few men would have had the temerity to continue the hopeless fight, as he did, against a defiant majority, in both Houses, that stood ready with a two-thirds vote to pass measures over his vetoes. Still fewer would have continued it, after the overwhelming defeat which his “policy” sustained, in the popular election of 1866. The patience of no Congress was ever put to a severer test.

Talk of impeachment had been rife for many months in Congressional circles. Sumner favored it. But calmer counsels had prevailed. On January seventh, 1867, James M. Ashley, a Representative from Ohio, presented, in the House, formal charges against the President of a corrupt use of the appointing, and pardoning and veto powers and of corruptly interfering with elections. The charges were referred to the Judiciary Committee of which James F. Wilson, of Iowa, was chairman. Evidence was taken by this Committee, not enough to justify a final report, but enough to warrant, at the expiration of the Congress, a majority report recommending a further investigation of the charges by the succeeding Congress. Five days later, in the next Congress, Ashley moved that the Judiciary Committee be directed to continue the investigation.

The motion carried by a small majority. The Committee by a vote of five to four afterwards recommended impeachment. The debate, on this report, was limited to a speech on each side, Boutwell for, and Wilson, the Chairman of the Committee, against. Both were Republicans. The vote was taken the day after the conclusion of the debate and the recommendation of the Committee was defeated by the overwhelming vote of fifty-seven to one hundred and eight. Only Republicans voted for it. With the Democrats who voted against it, there were sixty-five Republicans, among them Allison, Bingham, Blaine, Garfield, Wilson and the four Washburns.

From these names and this vote, it will be seen that impeachment was not yet popular. The conservative men of the country, both in and out of Congress, were generally against it. Even the Republicans that voted against it did not pretend to be satisfied with the course of the President, but their feeling was that his conduct did not justify such extreme punishment. The country, generally, after the years of turmoil it had witnessed, hoped for peace and that business interests would be spared this new disturbance. But there were determined men, of large experience and great ability, among its advocates; Boutwell, Butler, Kelley, Logan, Lawrence, Schenck and Thaddeus Stevens. Among them, there was anger and bitterness at its defeat. While they were defeated, they were not discouraged, but were determined to bide their time, feeling that their opportunity might yet come. And it did come soon.

There had been trouble between the President and his Cabinet. Very early, some of the members found themselves unable to agree with him. Dennison, Postmaster-General; Speed, Attorney-General; Harlan, of the Interior Department, against the advice of friends who urged them to retain their offices so as to limit his power and prevent his use of the patronage, had, one after another, offered their resignations.

The resignations were promptly accepted and willing servants of the President at once took their places. Stanton, of the War Department, was likewise *persona non grata* to the President, but was of a different disposition from the others, and refused to take the frequent hints given him to resign. At last the President, on August fifth, 1867, wrote Stanton: "Public considerations, of a high character, constrain me to say that your resignation, as Secretary of War, will be accepted." Stanton tartly answered: "I have the honor to say that public considerations, of a high character, which alone have induced me to continue at the head of this Department, constrain me not to resign the Secretaryship of War, before the next meeting of

Congress." On the twelfth, he was suspended and directed to turn over the office to General Grant, who was appointed Secretary *ad interim*. Stanton yielded, but protested, in writing, that he submitted "under protest, to superior force."

The Tenure of Office Law required the President to communicate this suspension, with his reasons for it, to the Senate, within twenty days after its next meeting. This he did on December twelfth, 1867, just five days after the House had voted down the resolution of impeachment. The Senate, on January thirteenth, 1868, refused to concur in the suspension. General Grant upon receiving notice of this action of the Senate, promptly vacated the office and Stanton as promptly resumed it. The President hoped that Grant would retain the office, notwithstanding the action of the Senate, till the constitutionality of the Tenure of Office Law could be tested, in the courts, by a suit for his removal. Grant had no thought of compromising himself in any such manner. His prompt vacation displeased the President and angry letters were exchanged, which left them enemies for life.

Stanton was now back in office. But the controversy was not ended. On the twenty-first day of February, 1868, the President removed him, and appointed Lorenzo Thomas, Secretary *ad interim* and on the same day notified the Senate of his action. Sumner had all the time watched the struggle with increasing interest. His experience with the President privately on his accession to the office, when he had tried to keep him firm for the equal rights of the freedmen; and later, when in the Senate, he had sought to prevent him squandering the hard-earned fruits of the war, by restoring those lately in rebellion to power, without any changed conditions; and to defeat his wholesale removal of loyal men from office, to make places for his friends, had made Sumner impatient with him. Sumner wrote Stanton a note, in pencil, from his seat in the Senate, with the single word "stick," in the body of it. The note came afterwards into the possession of Ben Perley Poore and was sold at auction, in 1888, to a dealer in autographs. It is hardly necessary to add that Stanton did "stick."

The Senate was surprised and indignant at the action of the President and promptly passed a resolution that he had no power to make the removal. It was just here that the real controversy in the impeachment proceedings arose; the President's friends claimed that he had. The question depended upon the construction to be given the Tenure of Office Law. The same day that the Senate angrily passed this resolution, a second resolution of impeachment was offered, in the House,

and it was at once referred to the Committee on Reconstruction, of which Thaddeus Stevens was chairman. The House then adjourned.

Little doubt remained of what would be the fate of the resolution, in the hands of a committee, thus officered, and which had experienced so much trouble with the President. The next day it was reported back, with the recommendation that it pass, and that the question be taken without debate.

But the Members were in no humor to pass such a measure, without allowing expression to their pent up feelings. An angry debate followed in which more speakers addressed the House than ever before, in a single day. The expressions upon each side were bitter in the extreme and fill more than two hundred of the large and closely printed columns of the Congressional Globe. Several Democrats, perhaps appreciating the ludicrous exhibition of wrath, by the Republicans, tried to have Washington's Farewell Address, full of counsels of moderation and of peace and good will to his countrymen, read, but unable to succeed in this, one of them obtained leave to print it with his remarks, in the Globe; and there it stands to-day among the records of that day's angry utterances. At the close of the debate, the vote was taken and every Republican, that voted, was for impeachment and every Democrat was against it. One Democrat and a few Republicans did not vote. There were one hundred and twenty-six votes for impeachment and only forty-seven against it.

Thaddeus Stevens and John A. Bingham were appointed to notify the Senate of the action of the House. With five other members, they were also appointed to draw up Articles of Impeachment and with Boutwell, Wilson, Butler, Williams and Logan they were made Managers to present the case on behalf of the House to the Senate. In the choice of Managers, John A. Bingham received the highest number of votes and thereby became chairman of the board. Henry Stanberry, the Attorney-General, William M. Evarts, of New York, Benj. R. Curtis, of Boston, William S. Groesbeck, of Cincinnati, and T. A. R. Nelson, of Tennessee, represented the President.

On the fourth day of March, attended by the House, the Managers appeared, at the bar of the Senate, and the chairman, Bingham, read the articles of impeachment. On the two succeeding days the oath was administered to the Chief Justice and Senators, rules of procedure were adopted and a summons was ordered to be issued to the President, to appear and answer the charges, returnable on the thirteenth day of March.

When the name of Senator Wade was called to receive the

oath, to be taken by Senators, upon the trial of an impeachment, Senator Hendricks objected that he was not competent to sit, inasmuch as he was the President *pro tem* of the Senate and would become President of the United States, if the impeachment be sustained. The objection provoked a debate. The question was an important one. A two-thirds vote was required to convict and, if the result be close, he might have the casting vote. Sumner argued that the Constitution settled the question, that impeachments were to be tried by the Senate, that this meant the whole Senate, that in such trial each State was entitled to have two Senators, that one of these from Ohio was Senator Wade. The clause in the Constitution providing that, when the President is impeached, the Chief Justice shall preside, he showed from contemporaneous authority was not inserted to disqualify the President of the Senate from taking part, because of his interest in the result as was asserted; but because he might be called upon, in case of the suspension of the President, to act in his place and hence be absorbed in the discharge of the duties of that office and by reason thereof not have the time to preside at the trial. Before, however, a vote was taken upon this question, the objection to administering the oath to Mr. Wade was withdrawn by Mr. Hendricks and he was sworn and afterwards, without objection, voted upon each of the three articles of impeachment, upon which a vote was taken.

On the thirteenth day of March the President entered his formal appearance, by his attorneys, and asked that forty days be allowed him, for preparation. The Managers insisted that the trial proceed at once. But the Senate fixed it for the thirtieth day of March.

In the meeting of the Managers for the distribution of their work, the most desirable place, the closing argument, was assigned to the chairman, John A. Bingham. Benjamin F. Butler desired to open the case and put in the evidence. He has narrated how these duties were disposed of in the meeting. “‘But who,’ he inquired, ‘is to make the opening argument and put the case in form for presentation, in the Senate? There are less than three days, in which to prepare it. Who is anxious for that place?’ There were not many candidates for that labor, and I said, ‘Very well. I suppose as usual the opening of the case will fall upon the youngest counsel and that is myself. \* \* \* It was agreed that I should prepare the case and make the opening argument and I thought it would not be of much consequence, after that was done, who did the rest. And thus I became the leading figure of the impeachment, for better

or for worse \* \* \* I came to the conclusion to try the case upon the same rules of evidence and in the same manner as I should try a horse case and I knew how to do that." Judging from his want of success in this case, the inference would be that he did himself honor over much, in saying that he knew how to try a horse case.

The trial was held in the Senate Chamber. The hall and its spacious galleries were filled to their utmost capacity. The House attended in a body and were provided with seats on the floor. The diplomatic gallery was filled with the representatives of foreign countries, eager to see the spectacle of a free people bringing to trial their sovereign ruler for malfeasance in office. The press gallery was crowded with correspondents, who were to convey the news of what took place, to the millions of plain people, in their homes, who were watching the action of their representatives. The beauty and the intelligence of the Capitol and its visitors filled to overflowing the remaining space.

Salmon P. Chase, the Chief Justice, who presided, after an eminent career at the bar, and in political life, as Governor and Senator from Ohio, and Secretary of the Treasury, during the trying years of the war, was now filling the highest judicial station of his country. He sat erect, broad-shouldered, deep-chested with a head and face of noble mould, one of the handsomest men of his day. Bingham, the chairman of the Managers, with the refined and sensitive face and the grace of a poet, was still in his prime. He was the lifelong friend of Stanton, living in the town where the great Secretary first commenced the practice of law. With him he had grown up to greatness; for they were rivals at the bar and jointly debated political questions, Stanton in those days being a Democrat. Bingham had been a member of the House since the birth of the Republican party and, as a brilliant and effective orator, his fame was as wide as his country. He was supported, perhaps it would be more proper to say, he was led, by his great colleague Thaddeus Stevens, now wasting with disease and within six months of his death, but with the grim heroism of his nature, dragging, with his last breath, a great offender, as he believed, to the bar of justice.

But in legal attainments, the Managers were outdone by their opponents. Henry Stanberry, who organized the President's defence, and paid the penalty of it with his office, was his Attorney-General. He was an able lawyer and resigned his office to take part in the case. After its close, the Senate refused to ratify his reappointment, as Attorney-General, by Johnson. William M. Evarts, who did succeed him, as well as

Benjamin R. Curtis and William S. Groesbeck, who were associated with him in the case, were at the head of the bars of New York, Boston and Cincinnati respectively. Curtis had been a Judge of the Supreme Court of the United States, and by his dissenting opinion in the Dred Scott case, as well as his other work, had acquired a wide reputation; but the work proving distasteful, he resigned to return to the practice.

In the articles of impeachment there were eleven charges, but they may all be comprehended in four; first, The removal of Stanton and appointment of Thomas; second, Instructing General Emory that the law requiring all military orders made by the President or Secretary of War to be issued through the General of the Army, was unconstitutional; third, The President's speeches against Congress; fourth, The attempt of the President to prevent the execution of the Tenure of Office Law, the Army Appropriation Law and the law for the more efficient government of the Rebel States. The case was really tried upon two, the removal of Stanton and the intemperate speeches of the President and, of these, the greatest stress was laid upon the removal of Stanton.

The President had made coarse, intemperate and ill-timed speeches, at the White House, on August eighteenth, 1866, at Cleveland, Ohio, on September third, 1866, and at St. Louis on September eighth, 1866, charging Congress with promoting disunion and discord between the North and the South and preventing reconciliation between the sections, with trying to break up the government, calling its members traitors, so naming some of them individually, and calling upon the people to aid him in kicking them out of office.

There could be no justification for such speeches. They were unbecoming any person and were especially unbecoming a President when speaking of one of the co-ordinate departments of his government. He had a right to differ from Congress in opinion; and he had a right to maintain his own views, in public speeches. The constitution expressly guarantees the right of freedom of speech. But no one has a right, anywhere, to be less than a gentleman. Coarse speech always degrades the author of it. But in this case, his apologists could well urge that he had said nothing more bitter of Congress, than Congress had said of him.

As to the removal of Stanton, a more extended explanation is required. The Tenure of Office Law provided "That every person holding any civil office, to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and

shall become duly qualified to act therein, is, and shall be, entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, *except as herein otherwise Provided.* That the Secretary of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices respectively for and during the term of the President, by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate."

Stanton was appointed by President Lincoln, during his first term, which expired March fourth, 1865, and was to hold "during the pleasure of the President, for the time being," according to the words of his commission. The term of President Lincoln had expired and he had taken the oath of office and entered upon a new term, after a new election. Stanton had continued to hold the office during his second term, until his assassination, and likewise under President Johnson, without any new appointment or other commission. It was insisted by the President and his friends that Stanton's term expired under the proviso in the Tenure of Office Law, thirty days after the expiration of President Lincoln's first term, that the word "term" as used in this statute meant the four years for which the President was elected and, if succeeding to office as President Johnson did, the time that he was legally to hold the office, that as Secretary Stanton had held beyond the thirty days after the expiration of President Lincoln's first term he had held merely by sufferance. Hence President Johnson's friends claimed that Stanton was not protected in his office by the Tenure of Office Law, but was holding over simply and that the President had a right to tell him so, at any time, and appoint his successor, as he had done, and that by so doing the law was not violated. It was this view that prevailed.

The opponents of the President believed otherwise. Sumner argued that such a construction of the word "term" in this law made it retroactive as to Stanton, who was in office when it passed, that it was a penal statute and therefore would become an *ex-post facto law* and hence unconstitutional, if such a construction be placed upon it, that it also made Congress enact the absurdity that Stanton had for two years been holding office illegally, whereas he had been holding under the clearest legal title, which could no more be altered by legislation than black could be made white, that such a construction, which made the statute at once unconstitutional and absurd, should be rejected. He insisted, on the contrary, that

President Lincoln's term did not expire with his life but continued until March 4, 1869, the expiration of the four years for which he was elected and that with this construction Stanton was entitled to hold until April 4, 1869. He believed farther, that Stanton should be considered as appointed by President Johnson, that the continuance of Stanton in office with the concurrence of President Johnson was the equivalent of an appointment, that he was in the office by the choice of the President, when the law was passed and that his continuance there by the President was to be treated as another commission, that this view also gave effect to the intention of the framers of the act, violated no sound canon of construction and was entirely reasonable, in every respect.

Great efforts were made by some of the President's friends to show that Stanton did not come within the protection of the proviso of this law. Sumner insisted that such friends forgot that if the Secretary did not come within the special protection of the proviso he must come within the general protection of the body of the act as "a person holding a civil office" and, therefore, "entitled to hold such office until a successor shall have been in like manner appointed and duly qualified," that if they turned him out of the proviso he must fall within the body of the act, unless they "placed him in a sort of intermediate limbo, like a lost spirit floating in space," a construction utterly unreasonable and, like every construction contrary to common sense, to be rejected.

Sumner advocated the broadest treatment of the subject. He argued that impeachment was a political not a judicial proceeding, that it was before a political body, for political purposes, subject to a political judgment only, expulsion from office, that therefore the same technicality of procedure could not be required, as in a court. Hence he argued that impeachment was not necessarily a trial for a "crime," as that word is known to the common law, that offences unknown to it, such as the wanton removal of meritorious officers, would subject the President to impeachment, that the exact minuteness of a criminal court should be discarded and the procedure adapted to a common understanding, that they could not be held in the articles of impeachment to a close description of the offence as if it were an indictment, nor to the rules of evidence as they are followed in the courts. He voted to admit all the evidence, not trivial or obviously irrelevant, offered during the trial, leaving Senators to determine what weight should be given to it. He believed the Senators should take notice of such matters as were within their knowledge, even though not charged or

proven, as, that Johnson appeared before the Senate, in a disgraceful state of intoxication, when he took the oath of office as Vice-President; that he had appointed incompetent and dishonest officials, as in the "Whiskey Ring," that had robbed the Treasury; that he had obstructed the Civil Rights Law; had undertaken to prevent the execution of the Freedman Bureau Law, to succor starving and homeless negroes in the South; and had sought to defeat the ratification, by the Southern States, of the Fourteenth Amendment, giving the guarantees of irrepealable law to the equal rights of the citizen and to the payment of the national debt.

There is much authority in English and French impeachment cases, as Sumner showed for the breadth of treatment, which he advocated. But precedents on the subject of impeachment from those countries do not carry the weight of authority here, that the decisions of their courts do upon other questions. Some of them, as the Earl of Strafford's case cited, bear too close a relation to the revolutions in those countries and recall some of the darkest pages in their history. Sumner felt that the articles of impeachment did not state the whole case against the President and he was undoubtedly correct in this conclusion. But the President was clearly entitled to have the charges upon which he was to be tried set out, so as to know in advance what he would be called upon to answer. In a matter of such importance, if it was intended to try him for his other offences, they should have been charged in the articles.

A question arose upon the right of the Chief Justice to rule or vote. Sumner argued that the Chief Justice was not a member of the Senate and that his duty was simply to put the question and direct generally the conduct of the business, without undertaking in any way, by voice or vote, to determine any question. In this conclusion he differed from the Chief Justice, who claimed the right to rule upon questions of admissibility of evidence. The attorneys for the President offered to prove that when the Tenure of Office Bill was before the President for approval he was advised by his Cabinet that it was unconstitutional and the duty of preparing the message to accompany the veto devolved on Seward and Stanton. The Chief Justice decided that this testimony was competent, to show that he acted in good faith, under advice, in vetoing it. His decision was appealed from and the Senate overruled him and the testimony was excluded. Again, the Chief Justice ruled that it was competent for the President to show that when the Tenure of Office Law was under discussion in the Cabinet the opinion was expressed generally that the Cabinet officers ap-

pointed by Mr. Lincoln were not within the restrictions placed on President Johnson's power of removal. Again he was overruled by the Senate. After that, the Chief Justice, without ruling upon the objection made to testimony, referred the matter to a vote of the Senate. These rulings of the Chief Justice were generally accepted by the public as correct and the adverse votes of the Senate produced a bad impression. Sumner believed the testimony should have been admitted, but he insisted that the Chief Justice had no right to rule upon it and thus influence the proceedings.

The claim was also made that the Chief Justice, in the event of a tie, had the right to vote. He did vote upon some unimportant matters. Sumner was unwilling to allow any such claim. He insisted that the Constitution expressly provided that the Senate is to "have the *sole* power to try all impeachments" and that convictions could only be had by "the concurrence of two-thirds of the *members* present" and that these two provisions confined the right to vote to the Senators alone.

He offered a resolution that the Chief Justice had no right to vote on any question during the trial and that he could pronounce a decision only as the organ of the Senate and with its assent. This was voted down; but the Senate afterwards adopted a rule providing that the Chief Justice "may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision; or he may at his option, in the first instance, submit any such question to a vote of the members of the Senate."

At the close of his argument upon this question, which Sumner filed and had printed in the proceedings with his opinion in the case, he made a graceful reference to his co-operation with the Chief Justice, in the anti-slavery cause, in the years preceding the war:

"I cannot bring this survey to an end without an expression of deep regret that I find myself constrained to differ from the Chief Justice," he said. "In faithful fellowship, for long years, we have striven together for the establishment of Liberty and Equality as the fundamental law of this Republic. I know his fidelity, and revere his services, but not on this account can I hesitate the less, when I find him claiming in this Chamber an important power which, in my judgment, is three times denied in the National Constitution: first when it is declared that the Senate alone shall *try* impeachment; secondly, when it is declared that only *members* shall convict; and thirdly, when it is

declared that the Chief Justice shall *preside* and nothing more, thus conferring upon him those powers only, which by parliamentary law belong to a presiding officer not a member of the body. In the face of such a claim, so entirely without example, and of such possible consequences, I cannot be silent. Reluctantly and painfully I offer this respectful protest."

An incident occurred during the trial that shows how sensitive Sumner was of the dignity of the Senate. During the heat of his argument on April twenty-eighth, Nelson of Tennessee, one of the President's attorneys, used language toward Manager Butler, apparently intended to provoke a duel. Promptly upon the opening of the proceedings the next day, Sumner offered a resolution of censure and pressed it, until a proper apology was made by Mr. Nelson to the Senate.

The closing argument in the case was finished by Manager Bingham on May sixth, 1868. No vote was taken on the guilt of the President until May sixteenth, the intervening ten days being occupied with discussions of methods of procedure and adjournments. Sumner opposed a resolution granting to Senators leave to file opinions in the case, giving the reasons for their votes; believing the President guilty on all the articles, he felt there was no need of explanation or apology for his vote. But the resolution having carried, he accepted the invitation which it seemed to extend. Twenty-eight other Senators also published opinions. Sumner's covers thirty-four pages of the report of the proceedings and is the longest and one of the most exhaustive of the opinions; but as a legal argument upon the question of the President's guilt or innocence, it is not the equal of some of the others. The Senate had in it, at that time, some very able lawyers, who embraced this opportunity of explaining their votes. Sumner, as a lawyer, was not the equal of some of these Senators. He had quit the bar early and never had an extensive practice.

It was decided to vote on the several articles of impeachment separately, the vote first to be taken on the eleventh and last article, excluding Stanton from office after the Senate refused to concur in his suspension, interfering with the execution of certain acts of Congress and denying the power of Congress to pass laws because the Rebel States were not represented. Each Senator as his name was called was to rise to his feet and announce his vote, guilty or not guilty, as charged in this article. It was decided to vote on this article first, because it was a compendium of the principal charges and a vote upon it would therefore show the greatest strength of the prosecution.

The vote showed thirty-five for conviction and nineteen

against so that the necessary two-thirds not voting guilty, the impeachment was not sustained on this article. A change of one vote would have changed the result. An adjournment was taken for ten days and a vote was then taken upon the second and third articles, but with the same result. No farther vote was taken and none of the articles of impeachment having been sustained, by a two-thirds vote of the members present, a general judgment of acquittal was ordered and the Senate, sitting as a court of impeachment, adjourned without day.

The great trial was ended and the President was clear. It was a hasty, ill-advised, and, on the part of his prosecutors, in many respects, a badly managed proceeding. The haste and want of care with which it was conceived showed itself early. From the commencement, its friends felt hampered by the omission from the articles of all reference to the most serious fault of the President, his persistently hostile attitude toward the North and his championship of the South, in the settlement of all questions growing out of the war. Another mistake was made by the House in permitting the prominence of General Butler in the proceedings. He did not possess the public confidence and his methods and manner were not suited to his position. The sympathy of the Chief Justice was felt to be against the proceeding and his influence with the people was large. But the people felt that the result was right, that the precedent of impeaching a President, on such grounds as existed, would have been much more prejudicial to the country, than anything he had done or would be able to do, in the little of his term that remained. The real fault of the President was a going over to the opposition, while in office, and for this, political defeat and not impeachment was the remedy. It was Congress that was especially outraged by his conduct and the fight was peculiarly theirs. The moral results of it, indeed, were with Congress, at last. At the close of it, all chance of the President succeeding himself was at an end; the North was awakened to the danger of his re-election; neither party was willing to make him its candidate. In nine months he gave place to General Grant; and Andrew Johnson, as a force in National politics, then disappeared forever. Though he was returned to the Senate six years later, his brief service of less than a month was only signalized by a vindictive assault upon those who had been the friends of his best days. His strange career was then closed by death.

## CHAPTER XXXVII

NEW POLITICAL QUESTIONS—THE CAMPAIGN OF 1868—GRANT ELECTED—SUMNER RE-ELECTED TO SENATE—A. T. STEWART DISQUALIFIED FOR SECRETARY OF TREASURY—FISH, SECRETARY OF STATE—MOTLEY

IN the campaign for the election of General Grant other questions were forcing themselves to the front. The large national debt, which accumulated during the war, was fruitful of contention. One question was whether it should be paid soon, which involved the maintenance of the income tax and high revenues on tobacco and whiskey and the existing tariff rates, or whether a part of the debt should be left for future generations to pay and these means of raising money be modified. Repudiation in different forms was being discussed. No party had advocated repudiation pure and simple, by an outright refusal to pay the Government bonds. It would have been a very bold move, to ask openly the votes of a free people, upon such a plank as that, in a political platform. But the bonds were payable in coin, and there were open advocates of the payment of them in greenbacks, which were at the time depreciated. The argument was made that the Government making greenbacks a legal tender for the payment of other debts, should also require the bondholders to accept them in payment of the principal and interest of their bonds. To pay a debt in a paper dollar worth fifty cents, in the markets of the world, that was stipulated to be paid in a gold or silver dollar, worth one hundred cents everywhere, would be repudiation in fact, if not in name.

Another question growing out of this same condition was the taxation of the Government bonds. The laws providing for their issue and under which they were sold, provided that they should be exempt from all taxes, State or National. The claim was now made that they should be taxed just as other property and that Congress should pass laws requiring it. This would result in depreciating the value of the bonds. Their non-taxable character made them a desirable form of investment and, to take away this character, meant to depreciate their value, in violation of the faith upon which the Government had sold them.

Still another question that arose, incidentally connected with these two, was the resumption of specie payments. If the paper dollar was made exchangeable for a dollar in gold or silver there could be no longer a question made in what kind of money the bonds should be paid. A sound financial course upon this question would solve the other.

These questions all arose during the Presidency of Andrew Johnson and were discussed in some of the State campaigns. Sumner's attention had not been given largely to questions of this kind. He had been occupied with slavery and the war and the condition of the freedmen. And he had been so prominent in the treatment of these subjects that he was credited with being especially able in the discussion of them, but was considered wanting in qualification for the treatment of financial questions. His life had been singularly free from the ordinary problems of money getting. He was born to a condition of comfort and, being without family to provide for, his attention had been given almost exclusively to the great work of his life. But with these new problems that came up for solution he developed an unexpected ability for their treatment. He had in fact a practical side and a fund of good sense upon common matters, partly inherited from his mother, with which he was not generally credited. He intuitively saw and followed the just and the honest side of a question, involving right and wrong. No specious arguments, or pretty theories, seemed to trouble him. He went straight to the proposition presented, with the question, Is it right? The answer to that simple question determined his course. Does the contract provide for the payment of these bonds in coin? Does the contract provide for the exemption of them from taxation? If it does, then they must be paid in coin and continued exempt from taxation. The nation has no more right to violate its contract, than an individual. It can no more do so with impunity. Any other course involves loss of credit and invites financial ruin. These were the considerations that determined him. He studied them and he discussed them in this way.

On July eleventh, 1868, the Senate having under consideration a bill for the funding of the national debt, he spoke at some length and with his customary thoroughness. He argued that there was nothing more sensitive than credit, that a breath would make it flutter, that the public faith must be sacredly preserved above suspicion, that the nation must be as good as its bond, that credit was like honor, once lost, more than dis-honor must be the consequence, that in itself it was a treasury, a tariff and an internal revenue, all in one, that if all these

were lost and public faith retained, the others would be returned, the treasury be replenished, the tariff be renewed, the revenue restored, that it must be kept "as the philosopher's stone of fable, having which, you have all." In the face of this, he said, it was proposed to tax the national bonds, in violation of the original contract on which the money was lent. They might have the power to do this wrong, but never the right. They could not make wrong right. The bargain must continue unchanged except by consent of the parties, until the laws of the universe tumbled into chaos. A proud nation, justly sensitive to national honor, could do nothing else.

Not different, he argued, was the proposition to pay the bonds with inconverntible paper. On the threshold, Public Faith interposed a summary protest to such a proposition. On such a question debate even is dangerous; the man who doubts is lost. The Secretaries of the Treasury and their assistants had declared they were payable in coin. It had been the uniform practice to pay them in this kind of money. This practice had established precedents that could not be broken. The money had been invested in all the later bonds upon the faith of these acts of the Government. They must continue to pay the bonds in the same way.

He advocated, however, a rigid reduction of expenditures and the simplification of our system of taxation, by confining the tax to fewer articles, such as whiskey and tobacco, so that fewer tax-gatherers would be needed and the collection be less expensive. The prompt and exact fulfilment of our obligation in the payment of the bonds he believed would enable us to exchange a new bond with a lower rate of interest, running for a longer time, for the old bonds at a high rate, soon to expire. He called attention to the fact that our bonds in London sold for twenty per cent less than the English, although the interest on ours was double that on theirs. He showed that the same was true of the bonds of Massachusetts, which sold higher in London than those of our Government. This difference, he said, was due to the higher credit of England and Massachusetts. The agitation of repudiation was producing this result and so our Government was already paying the penalty of this heresy. The remedy would be found in the prompt fulfilment of our contracts, as made, and the speedy return to specie payments.

These questions entered into the campaign for the election of General Grant. The Republican platform of 1868 denounced all forms of repudiation and demanded the payment of the National debt, according to the letter and spirit of the laws

under which it was contracted, but advocated a refunding of the bonds for a longer time and at a lower rate of interest. It pronounced for equal civil and political rights and guaranteed suffrage to all loyal men at the South. The Democratic convention nominated Seymour and Blair against Grant and Colfax, denounced the reconstruction measures of the Republicans and proposed the payment of the national debt in greenbacks.

Sumner spoke twice only during the campaign. He was suffering from a stubborn affection of the throat and was counselled against all public speaking, by his physician. Once he spoke briefly at a flag raising of the Grant and Colfax Club, on September fourteenth, in the ward, in Boston, where he was born and had always voted. This was on Beacon Hill, the highest point in Boston, where in early days were lighted the beacon fires that flashed the news of danger over the surrounding country. He prophesied that they were lighting there the fires of congratulation and of joy. Four years before, this had been counted a doubtful District. When the election was over, Sumner had telegraphed Lincoln that it had gone Republican by five thousand majority. It was the first word the President had of his re-election and when he received it, he remarked: "If this is a specimen of the doubtful Districts, what may we expect of the whole country?"

Sumner spoke again, on October twenty-ninth, at the City Hall, in Cambridge. The Massachusetts Republican Convention, held at Worcester, September ninth, had indorsed him for re-election to the Senate. At the opening of his speech he therefore referred briefly to his own record of the preceding six years. It began, while the war was still in progress and saw its triumphant close, the abolition of slavery, the establishment of equal rights in the court-room and at the ballot-box and the acquisition of Alaska. In all these things he had borne his part in the Senate,—a part, he trusted, not unworthy of the commonwealth he represented. Upon his service he invited their scrutiny and candid judgment. He could not forget, he said, that there had been much clamor at two propositions he had advocated; first, the power of Congress over the States that had rebelled and abandoned their practical relation with the Union; second, the necessity of securing to the freedmen their equal civil and political rights. All this contention he recognized as happily at an end, within the ranks of the Republican party, and was continued now only by those lately in rebellion and their sympathizers at the North.

Though formal criticism of these things which he had ad-

vocated so early and vigorously, had now disappeared, there was yet left an occasional warning against "men of one idea," with a finger point at himself. What duty, he demanded, had he failed to perform or what interest had he neglected? He had given warning early against an inconvertible currency and recently had urged a return to specie payments. With every form of the business of the Senate, with taxation, commerce or railroads, or the business of the Committee on Foreign Relations, of which he was chairman, he had borne his part. But while doing this he had felt it to be his supreme duty to warn against the perils of slavery in all its forms and insist upon every guarantee against its re-establishment. In season and out of season, in the Senate and elsewhere, he had urged its abolition and the destruction of its whole brood of inequalities. In such a cause he had felt that no one could do too much, no wisdom could be too great, no voice too eloquent, no courage too persevering. Who upon this question had been "practical", he inquired, but the company of those who had been with him? "Permit me to say," he added, "that the 'practical' statesman foresees the future and provides for it. Whoever does anything with his whole heart makes it for the time his 'one idea'. Every discoverer, every inventor, every poet, every artist, every orator, every general, every statesman is absorbed in his work; and he succeeds just in proportion as, for the time, it becomes his 'one idea'. The occasion must not be unworthy or petty; but the more complete the self-dedication, the more effective is the result." Personally he felt he had nothing to regret, but his own inadequacy. He would have done more, if he could. His "idea" had been nothing less than his "country, with all that is contained in that inspiring word, and with the infinite vista of the same blessings for all mankind".

It is to be remembered in view of what follows in this narrative, that, in this speech, Sumner repeatedly spoke in the highest terms of General Grant as "an illustrious citizen" and "of unequal renown in the suppression of the Rebellion", instancing his career as an example of "one idea" pursued to a triumphant end, when after planning his campaign, he announced that he meant to "fight it out on this line, if it took all summer" and yet, with no occasion for reproach, except from rebels, who would have been glad to see him fail in that singleness of purpose, which gave him the victory. In the contest which afterward arose between Sumner and Grant, over San Domingo, which led to the removal of Sumner from the Committee on Foreign Relations and his separation from his

party, this early and pronounced friendship becomes a landmark from which reckonings can be made.

With all earnestness, Sumner urged his hearers to vote for the party, with Grant at its head, that had saved the Republic, and not hand the country over "to the rebels and their allies". He declared that Blair, the Democratic candidate for Vice-President, in calling upon President Johnson to declare the reconstruction laws void and compel the army to undo their work and disperse the "carpet-bag" government, at the South, was guilty of greater nullification than that which had induced President Jackson to threaten to hang John C. Calhoun. The Democrats had declared that Congress had no power to pass these laws. Sumner argued that Congress had this power, that these States were under the control of Congress, because they were without governments of their own and therefore of necessity, as in the case of Territories, it must take charge of them, because, having been conquered, the conqueror, according to the laws of war, has control of his conquests, because the constitutional amendment abolishing slavery, gave Congress power to enforce this abolition and because Congress was bound by the Constitution to guarantee to each State a republican government. Hence he argued there could be no question of the power of Congress to pass these laws.

Another objection, that was vigorously made by the Democrats to the Reconstruction Laws, was that they had extended the right of suffrage to the freedmen. Sumner argued that this was only an act of justice to those who had aided to save the Republic, that while it was true that many of them could neither read nor write, yet it must be remembered that there were many other good citizens, whose only school had been the rough world, in whom character was developed to a remarkable degree, that you could not make men all equal in fact, that Charles James Fox, the great English statesman, had been driven to the poles to vote, only to find when he reached there that his coachman was voting the other way, when he had remonstrated with him for not telling him sooner so that they might have paired off, that though this incident showed an apparent equality between the men it was not so in reality, for this brilliant leader had influenced multitudes of his fellow-citizens by his example. The ordinary man had nothing but his vote to counterbalance the vote of the statesman. He should not be deprived of that. He had nothing to counterbalance this influence. The ballot was necessary, he insisted, to prevent a revival of slavery, in new forms, by hostile legislation, in the Southern States, and to ward off the threatened

violence, assassination and barbarism of the Ku-Klux-Klan. To repeal the Reconstruction Laws would mean to break down the barriers of protection thrown around the loyal people of the South.

The other issues that were discussed in the campaign grew out of the bonds. Sumner reiterated his warning against the taxation of the bonds, in violation of the contract when the money was lent, and against the payment of the interest in greenbacks. Taxation would mean a confiscation of the additional price paid for the bonds, on the faith that they were not taxable. The bondholders had trusted to the faith of the nation in the payment of this price. He reminded them of the exclamation of Charles James Fox to the proposal of a kindred breach of national faith: "Oh, no, no, no! His claims are doubly binding who trusts to the rectitude of another!" To pay the interest in greenbacks would be ruinous to the national credit. The greenbacks were not payment; they were simply promises to pay. If nobody had breathed such a proposition the nation would have been richer, for the bonds could then have been paid, by the issue of others with a longer time to run and at a lower rate of interest. "Here," he said, "was an annual tax of millions imposed by these praters of repudiation." Sumner again insisted upon the resumption of specie payments. He proposed the fourth of July of the following year, as the date to resume. It was destined to come ten years later and to the great benefit of the country. But to have brought it about so soon as Sumner suggested would probably have caused a serious financial disturbance.

The result of the election was, upon the electoral vote, overwhelmingly for the Republicans. But to a more careful observer, looking behind this vote, there were many causes for serious reflection. New York, New Jersey and Oregon had gone Democratic. California was Republican by a majority of five hundred and fourteen; Indiana was correspondingly close; the majorities in Ohio and Pennsylvania were greatly reduced. Six of the reconstructed Southern States—North Carolina, South Carolina, Tennessee, Alabama, Arkansas and Florida—saved the election to the Republicans. If the South had been solid, as it has been so often since, Grant would have been defeated. Evidence of shameless frauds and violence, in Louisiana, was abundant and there was similar evidence concerning Georgia. Both had gone Democratic. Grant's election being assured, no investigation was made by Congress. It was unfortunate that this was not done with promptness and thoroughness, and the vote of Louisiana, where the evidence was

overwhelming, rejected. If this had been done and the leaders vigorously punished, an infinite amount of trouble later would have been saved and the credit of the nation upheld. Sumner believed that it should not be thus lightly passed over, and voted for a resolution introduced by Morton of Indiana, making a record of the Senate's knowledge of these frauds. But the resolution was defeated.

One result of the election was the return of Sumner to the Senate, for another term of six years. His election took place in the Legislature of Massachusetts, on the nineteenth day of January, 1869. It was destined to be his last. The unanimity of the choice was unusual. He received in the Senate every vote, save two, and in the House two hundred and sixteen, out of two hundred and thirty-two votes. Henceforth he was to be the senior Senator, in continuous service. Since the first inauguration of Lincoln he had been the most widely known and most conspicuous man in the Senate.

Much credit is due to the great State that had thus long and thus unitedly sustained him. Those nearest to him knew with what toil he had deserved it. The Duchess of Argyll, shortly after this time wrote from England: "Is not what Dr. Chalmers called your 'Sabbath of Life' come when you feel that you may give up the strife of politics and have time for still better things? It has been a very full day of work, and I wish you may see when resting time comes. God bless that evening, and give hope of a glad morning!" Alas, his "Sabbath of Life" never came! It was the full day's work to the end. But was there not with it the hope of a glad morning?

Sumner was in Washington at the time of the inauguration of General Grant. The inaugural address was brief and characteristic. It was very emphatic, on the two questions that had been most discussed in the campaign, repudiation and suffrage. He urged the exclusion of every repudiator from public place as a means of strengthening the public credit; and the settlement of the suffrage question, likely to be agitated so long as a portion of the citizens was excluded from the franchise in any State, by the ratification of the Fifteenth Amendment to the Constitution. The declaration, in his inaugural, of most interest to us, in the light of the President's subsequent contest with Sumner over San Domingo, was, that on all subjects he should have "a policy to recommend, but none to enforce against the will of the people". He probably meant this statement in all candor, but in reference to the course that had been pursued by President Johnson, which had rendered his "policy" so obnoxious, as to be still fresh in the public recol-

lection. It was so fresh also in the recollection of General Grant, by reason of Johnson's effort to place him in a false light, in connection with the removal of Secretary Stanton that, contrary to the almost uniform custom since the foundation of the Republic, he would not recognize Johnson officially, by driving to the Inauguration service with him from the White House.

On the evening of the Inauguration, three men dined together at Sumner's house in Washington. At the time they were fast friends of long standing and of similar tastes. All were men of culture, scholarly, fond of each other's society, and of the pleasures of good cheer; and all were destined to a permanent place in their country's history. All of them were friends of the administration just inaugurated and looked forward, with bright anticipations, to the realization of the best hopes of the Republicans. These three men were destined soon to play principal parts, in one of the most heated contests of Grant's administration. They were Sumner, John Lothrop Motley, the historian, and Hamilton Fish, soon to become Grant's Secretary of State. Little did they then think, as the pleasant communion passed from lip to lip, at this hospitable board, that one of them, doing the will of his chief, would soon become the instrument to drive both the others from coveted places, in their country's service, estrange them from their party and leave sores that never were healed.

Fish did not then know that he was to be a member of Grant's Cabinet. At this time, the President's plans were otherwise. He had nominated Alexander T. Stewart, a wealthy merchant of New York City, for Secretary of the Treasury. If he had received this place, it would, according to custom, have prevented the appointment of any other Cabinet officer from the State of New York. But an old act of Congress forbade the appointment of any one interested in the carrying business of trade or commerce, to the position of Secretary of the Treasury. This law disqualified Stewart. The President did not know of the law, when this nomination was made, though its violation was punishable by a fine of three thousand dollars and removal from office and disqualification, thereafter, from holding any position under the Government. The position was an embarrassing one. When it was brought to his attention, the President frankly admitted his ignorance of the law, but being very desirous to have Mr. Stewart in his Cabinet he asked that the law be changed so as to allow him to take the place. Sherman asked unanimous consent of the Senate to introduce such a bill, but Sumner's voice promptly arrested the measure. He suggested that such a step ought to be carefully considered be-

fore it was taken. The bill was not called up again, a private canvass having disclosed that the Senators upon reflection, were generally against it. The President then withdrew the appointment and nominated George S. Boutwell of Massachusetts.

The President at the commencement of his administration had sent to the Senate the name of Elihu B. Washburn for Secretary of State. For sixteen years, he had represented in Congress the Galena district of Illinois. At the opening of the war Grant resided in this district and Washburn ever since had been his faithful friend. Upon the failure of the President to secure A. T. Stewart of New York for his Secretary of the Treasury, Mr. Washburn resigned and was appointed Minister to France and Hamilton Fish was appointed Secretary of State. He was the only member of Grant's Cabinet, appointed at this time, that continued with him to the end of his administration. Cabinet changes during his Presidency were frequent. The President himself, with his strong personality, was the dominating spirit of his administration and a man of like character was not continued long in his official family. Fish was not of this disposition.

He was a member of one of the old Knickerbocker families of New York City. He had inherited large wealth as well as a companionable disposition. He was singularly fortunate in his marriage to a refined and intelligent lady, who united with him in making their home one of elegant hospitality. He had served in both Houses of the New York Legislature, a term in each House of Congress and one as Governor of New York. His career in these offices had not been distinguished, but was characterized by good sense and the genial character of the man.

He entered the Senate the same day Sumner did and they were soon warm friends. Without a home of his own, the refined hospitality dispensed at that of Fish, where he was always, till this time, a welcome guest, appealed strongly to Sumner. Nowhere in Washington was he entertained so often or with so much cordiality. After Fish's retirement from the Senate this intimacy continued at his homes in New York and on the Hudson; and while Sumner was in Europe, in search of health after the Brooks assault, he saw much of them in Paris, where their daughters were in school. During all these years, frequent and cordial letters passed between him and Mr. and Mrs. Fish and their children, and kindly messages were exchanged upon interesting changes in their family. When the Fishes

went to Europe, in 1858, they carried letters from Sumner to some of his European friends, a favor he rarely granted.

After his retirement from the Senate, in 1857, until called to the Cabinet in 1869, Fish held no public office and, with the facility of his disposition, seemed to have little interest, in the important events that were transpiring in the political world. His hospitality, extended to General Grant, in New York, had brought them together and led to his selection for the Cabinet. He was then sixty years of age and accepted and, for the first year, retained the office, with some reluctance. Thereafter the place became more congenial to him. His appointment was very agreeable to Sumner. Fish relied upon Sumner to counsel him about appointments and questions of difficulty, arising in the Department, and even sent copies of dispatches from our Ministers to him, when in Boston, so that he might have the benefit of his advice. This unusually cordial relation continued, until the San Domingo controversy arose.

The other guest at Sumner's table the evening of the Inauguration, John Lothrop Motley, was a native of Dorchester, Massachusetts, now a part of Boston. He graduated at Harvard, in the same class with Sumner's eloquent co-laborer in the anti-slavery cause, Wendell Phillips. It was the class following Sumner's. Motley studied law and was admitted to the Massachusetts bar, practised for some time in Boston and was elected a Member of the Massachusetts Legislature, in 1849. His wife was a sister of Park Benjamin, with whom and another sister, she made her home in Boston, prior to her marriage. Sumner was, at the time, a frequent caller, at their house. Inspired with the purpose of writing his Netherland histories, Motley went to Europe in 1851, where the balance of his life was mostly spent. His history of the Rise of the Dutch Republic was published in London, in 1856, and it immediately raised him to fame and popularity in England. He was in London during the seasons of 1858, 1859 and 1860 and was much sought for, and was entertained by the best society. Realizing the want of knowledge, in England, of the real causes of our troubles, at the opening of hostilities, he wrote a letter to the London Times, afterwards singularly influential as a pamphlet, explaining clearly and elaborately the nature of the Union and the causes of the war.

He was made Minister to Austria, by President Lincoln, in 1861, and he continued there till 1867, occupying himself largely, with promoting a right knowledge, in Europe, of American conditions and the aims of the Union party. He was recalled by President Johnson and returning to the United States, he

took part in the campaign for the election of Grant. A brilliant speech for the Republican cause, by the historian of William the Silent, describing the candidates and urging Grant's election, appealed strongly to him. Motley met Grant frequently afterwards, when a genial cigar together cemented a pleasant acquaintance and prepossessed Grant in his favor. Fish also had met him in New York, liked him and had introduced him on the occasion of a lecture. The influential parties were thus prepossessed in his favor, when Sumner recommended him for Minister to England. He received the appointment on April twelfth, a month after Fish entered the State Department. Sumner's especial desire in the distribution of the Foreign Missions was to get that to Greece for his friend Dr. Samuel G. Howe of Boston. The President wished to appoint Motley and he, being credited to Boston, naturally barred Howe.

## CHAPTER XXXVIII

EULOGIES ON THADDEUS STEVENS AND WM. P. FESSENDEN—AN EDITION OF HIS WORKS—CHANGES IN THE NATURALIZATION LAWS—EQUAL RIGHTS—RECONSTRUCTION COMPLETED

AT the opening of Congress, in December, 1868, one Member was wanting, who had been a familiar figure there since Sumner's first entrance to the Senate. This was Thaddeus Stevens. He was born in Vermont, but had entered the House, in 1848, from Pennsylvania, where he had already distinguished himself, as a lawyer, and by a long service in the Legislature. He had advocated an efficient system of common schools, with such success that Sumner declared there was not a child in Pennsylvania “conning a spelling-book beneath the rafters of a village school, who did not owe him gratitude”. He was early known, in the House, as a pronounced enemy of slavery and a bold advocate of equal rights. For vigorous and trenchant oratory he had few equals. “Speech was with him at times a cat-o-nine tails and woe to the victim on whom the terrible lash descended.” He was not less distinctly a man of action, fearless and uncompromising in his fight for equal rights, and he fought slavery to its death. But when the fight was over, when slavery was abolished and equal suffrage secured, worn out by his tremendous efforts, “he laid down his load of work and disease to put on immortality.” Sumner commemorated him in the Senate at the memorial service, emphasizing the heroic qualities of the man. In fearless, direct and vigorous advocacy, of what both believed was right, there was much in common between them.

Sumner was soon called to perform the same office for one of his colleagues. Senator William Pitt Fessenden took part in the first session of Congress under President Grant, but it was his last public service. He died on the eighth day of September, 1869. He had been another of Sumner's early collaborators in the anti-slavery cause. When he entered the Senate, in 1855, it was during the struggle over the Kansas-Nebraska Bill. In the Senate there were just fourteen members, who stood for freedom, while thirty-seven were ready to repeal the Compromise that stood as a time-honored landmark, and to open that vast region to slavery. His coming seemed like

a reinforcement on the field of battle. The friends of freedom were no longer fourteen, but fifteen. Coming from the other House, he was armed at all points for the fight. He at once took part in the debate where his directness and his quickness at repartee were soon apparent. A threat of secession, by a Southerner, while he was speaking, met the prompt response: "Do not delay it on my account; do not delay it on account of anybody at the North". Others still interrupted, only to be worsted. "The effect," Sumner declared, "was electric" . . . He added, "The 'Globe' could not picture the exciting scene,—the Senator from Maine erect, firm, immovable as a jutting promontory against which the waves of Ocean tossed and broke in dissolving spray. There he stood. Not a Senator, loving Freedom, who did not feel on that day that a champion had come." The place Fessenden took in the Senate that day, he maintained to the end. No one in the Senate could match him for directness of argument, "for immediate and incisive reply." "He shot flying," said Sumner, "and with unerring aim."

Sumner contrasted the Senate as it was in the early days of the Republic. It was then described, as the only assembly in the Union, where eloquence was obtrusive and every one delivered his opinion concisely—one leg over the other—where speech was for business and immediate effect. Under the transforming influence of such men, it had become a centre from which to address the country. "A seat here," Sumner declared, "is a lofty pulpit with a mighty sounding board and the whole, wide-spread people is the congregation."

Sumner spoke of Fessenden's integrity, his fidelity, his constant watchfulness of the public interest. He dwelt on his services as chairman of the Finance Committee of the Senate during the war, when immense sums were being appropriated and the receipts and expenditures were both then under its control and yet, so closely was the Treasury watched by him, that nothing was added to or taken from it, without his knowledge. "All," he said, "that our best generals were in arms, he was in the financial field."

Sumner and Fessenden had not been warm friends. Each appreciated the other, each supported the same party and the same measures. But both were leaders and sharp encounters sometimes took place between them. As Sumner suggested, "men are tempted by the talent they possess." Fessenden "once engaged, yielded to the excitement of the moment and the joy of conflict" and sometimes, perhaps, said more than he intended. "His words warmed, as the Olympic wheel caught fire in the swiftness of the race." But Sumner added,

"if on these occasions there were sparkles which fell where they should not have fallen, they cannot be remembered now."

It was a generous eulogy. Sumner was at his best. And Fessenden's friends were grateful in their acknowledgments of it. Little did either then realize what a loss Sumner had sustained in Fessenden's death. In the struggles which followed with Grant, Fessenden's strong sense of justice, his independence, his high appreciation of Sumner's abilities, would have interposed to prevent him being driven, from the Chairmanship of the Committee on Foreign Relations, by a mere gust of temper on the part of those in authority. It was felt that Fessenden's influence in the Senate, was sufficient to have prevented it, if he had lived.

But the Senate was changing. Sumner's old colleagues were passing away. The position of senior Senator in continuous service which he now held brought many reflections with it. He was not yet old in years—only fifty-seven. His mother had lived to be eighty-one; his father was sixty-three when he died. With Sumner's splendid physical endowment, much like his mother's, he might have hoped, under other circumstances, that his life would be continued to a good old age. But his days had been passed too much in the storm and stress of the most exciting period of American history. The toil, and suffering, both physical and mental, that he had endured, were telling upon him. He felt old age creeping on and realized that he must be putting his house in order. With the system that had characterized his whole life, he set about it.

In 1869, he commenced the publication of a complete edition of his works. He had contemplated such an edition for several years. There had been a collection of his earlier speeches published and generally sold, but this was exhausted and his friends urged him to issue a new and complete one. There was a demand frequently for copies of his speeches which were out of print and could not be furnished. Many of them had been prepared with great labor and embodied the result of much careful research. They had been received, at the time of their delivery, in terms of high commendation, by the press and by prominent men and were regarded as having a permanent value for the matter which they contained as well as for the finished form in which they appeared. They contained the thought of one of the chief actors, in a most important period of history. They were specimens of eloquence that were hardly surpassed in the English language for beauty of expression and permanent effect, some of them being inseparably connected with the fall of slavery, as the speech which preceded the assault by Brooks.

A right understanding of the assault could not be had without reading the speech and yet that assault made a permanent impression upon the country. Sumner's own fame as one of the first orators of his country had become widely extended and he naturally felt an interest in perpetuating it, by leaving these speeches in such form as would render them accessible to future generations.

He wrote his friend, Dr. Samuel G. Howe: "Latterly I have been led to think more than ever of the uncertainty of life. Perhaps the little interest I have in it has made me notice symptoms that in a gayer mood I might have neglected. Suffice it to say that I have now but one solicitude,—it is to print a revised edition of my speeches before I die. If this were done I should be ready to go. These speeches are my life. As a connected series they will illustrate the progress of the great battle with slavery, and what I have done in it. I hope it is not unpardonable in me to desire to see them together, especially as I have nothing else."

To accomplish this work in the manner proposed made it no slight task for one of Sumner's years. His model was the American edition of Burke's works; but it was to be more elaborately done. The speeches were to have an accurate introduction explaining the circumstances under which the speech was delivered, and the occasion of it. The text of the speech was to be carefully corrected, if need be, the language changed to convey the thought more clearly, and notes added, so as to give the authorities relied on; and the whole followed by an appendix, explaining circumstances which followed the speech, perhaps the farther debate and vote, quoting the press comments and his correspondence upon it. As he was accustomed to frank copies of his speeches after delivery, to the press and his friends, naturally the comments and correspondence were of some length. In some instances, this introduction and the appendix of a speech would occupy, as in that preceding the Brooks assault, more than a hundred pages of closely printed matter. The care with which it was done and the research required, tempted him to great labor, to give the edition the finished form he desired. When he had completed the first two volumes, he wrote Longfellow, it would have been as easy to re-write the speeches as to edit them. The purpose was to include the whole in eight volumes, the set to be completed in one or two more, containing a biography, written by another. But it far exceeded this, running to fifteen volumes of about five hundred pages each, without the biography. He did not live to see it completed. It was a greater work than he

anticipated, requiring time that at his age should have been given to rest, overtaxing his strength and troubling the last hours of his life. The part of the work up to the four hundredth and sixty-seventh page of the tenth volume and the monograph, "Prophetic voices concerning America" contained in the twelfth, which he was preparing for separate publication, were completed under his direction. He also furnished notes for the eleventh volume. But the remaining work was done under the direction of his executors. The first volume came from the press, in 1870; the last, not until 1883.

This work, while too large for a popular edition and containing much of little interest to the general reader, is of great value to one who wishes to make a careful study of Sumner's life. The introductions and appendices and the notes to the speeches, especially in the volumes prepared under Sumner's own eye, are of great value and show in small compass and with great accuracy his part in the affairs to which the speeches relate.

The expense connected with the work was considerable. An accomplished proof-reader was engaged, who made verbal criticisms, verified the notes and carried the volumes through the press. No expense was spared to make the work as nearly perfect as it could be. Sumner assumed the financial responsibility for it and he, and his executors after his death, secured the copyrights. The publishing was by Lee and Shepard of Boston and, in printing and binding as well as material, the work is a model of excellence. It was sold by subscription. A special edition, each set containing the autograph of Sumner, was sold at an advanced price, mostly to his personal friends; the last volume of the work contains the names of the subscribers to this autograph edition. But the burden of expense was felt by Sumner. At times he thought of giving up his house in Washington, to reduce his expenditures, so as to devote his means to this object, but this had become such a source of comfort, at his time of life, for one in his position and he felt the need of it so much, that he could not make the sacrifice. The work was a considerable drain upon his moderate estate.

To raise the funds to meet these expenses of house and "works" he continued his expedient of lecturing, during the recesses of Congress. In the summer of 1869, he prepared a lecture on "The Question of Caste" which he delivered first in Boston on October twenty-first and subsequently at numerous places, in New England, and in the States of Pennsylvania, New Jersey, Delaware and New York. The lecture revealed

his wealth of learning and customary care in preparation and gave many historical illustrations of class distinctions, in the population of semi-civilized countries. He argued that caste, wherever it existed, was a relic of barbarism and should be abolished. He had now advanced to this position, in the Senate, in the treatment of the rights of the freedmen and was insisting upon the absolute civil and political equality of all men. He had spoken on the subject, at the previous session, when the Fifteenth Amendment to the Constitution was under consideration and had offered a substitute for it, which he believed would more effectually promote this purpose, by adding some criminal penalties to the denial of the right to vote or hold office under the pretence of race or color. This substitute, however, was rejected. His purpose in the lecture, aside from financial gain, was to create and develop a sentiment in favor of equal rights. Nothing, he argued, could ever be settled, that was not right, and there could be no settlement of this question except in harmony with the principles he advocated. "As all rivers are lost in the sea, which shows no sign of their presence" so, he insisted, must all nationalities, English, German, African or Chinese, within the confines of our Republic be lost in one harmonious citizenship, where all are equal in rights.

In Congress, Sumner sought to have the naturalization laws amended by striking out the word "white", wherever it occurred, so that in the admission of foreign born persons to our citizenship, there should be no distinction of race or color. The bill he introduced for this purpose, was referred to the Judiciary Committee, where it remained until near the end of the session, when it was reported adversely. In March, 1869, he introduced it again. The committee again retained it, this time for more than a year, when it was reported favorably. On the second and fourth days of July, 1870, he spoke upon it and advocated its passage. He was opposed by some Republicans, who asked him not to press it to a vote, because they did not wish to go on record as voting for or against it. But he reminded them of other days, when he had been asked not to press questions to a vote. He insisted now, as then, that the question should be settled justly and it would be settled finally that from 1867 till now, he was unable to have a vote upon it and when at last he had reached a vote he was asked to postpone it to some "to-morrow". With some impatience he exclaimed:

"To-morrow, and to-morrow, and to-morrow  
Creeps in this petty pace from day to day.

To the last syllable of recorded time;  
And all our yesterdays have lighted fools  
The way to dusty death."

I will not postpone this question to any ‘to-morrow’!”

His bill was also opposed by some Senators who lived on the Pacific coast, because it would admit the Chinese to citizenship. But he still answered that his bill only dealt justly with all men, negro as well as Chinese. His amendment, however, was rejected; a motion to reconsider the vote carried, but it was rejected again. An amendment was then offered to extend the naturalization laws to aliens of African nativity and to persons of African descent; and it carried, Sumner voting for it, although he believed the exclusion of the Chinese to be unjust.

On the eighth of April, 1870, in reply to an invitation to be present at the last meeting of the American Anti-Slavery Society, which proposed to disband considering its work as finished, after having secured the abolition of slavery and equal rights at the ballot-box, he declared that he could not consider the work as finished, so long as the word “white” was allowed to play any part in legislation or rule public conveyances or bar the doors of hotels, or houses of amusement or schools, that the complete equality of all, before the law, must first be secured. He was opposed to class disabilities.

At the same time he urged that there should be no exclusion of retired army officers from civil office. He argued that the half pay they enjoyed must be considered as a pension and not as pay for employment, that it was unfair to these men, having no work, to be excluded from the civil service, if qualified.

Another instance of Sumner’s devotion to these principles occurred at about this time. It illustrates his courage in maintaining a position that he believed to be right in the face of an adverse majority and a misguided public sentiment. There had been some disagreement between our government and foreign nations as to the right of the citizens of these nations to dissolve their relations with them and become naturalized citizens of our country. Some of these naturalized citizens upon returning to their native countries were arrested and held, for a compliance with their laws of citizenship. To remedy this evil a bill was passed by the House fixing the right of foreign born persons to dissolve their relation to their mother countries and become naturalized citizens of ours. But to this very proper provision it was added, that if it became known to the President, that any of these naturalized citizens were arrested and detained, by any foreign government, in contra-

vention of our laws, and their release was unreasonably delayed, the President was authorized to retaliate by suspending commercial relations with the foreign government, thus offending, or to arrest and detain in custody any subject of that government, found within our country except ambassadors and other public ministers and their domestics.

No one questioned the right of our government to maintain that a foreign subject could thus dissolve his relation to his mother country and become a citizen of ours. Both the political parties had recognized it, in their platforms. England and Germany were recognizing it abroad. But the proposed remedy, by the suspension of commerce or the arrest of foreign citizens here, was monstrous. Yet a bill with these provisions in it passed the House, under pressure of the Fenian movement. The wrongfulness of it was pointed out, but the flexibility of the Members appeared when, for fear of offending this element of our citizens, one hundred and four voted for it and only four against it; seventy-nine did not vote. Some Members voted for it, though opposed to it, trusting that it would be killed in the Senate. When one of these was asked how he could vote for such a monstrous proposition, he answered: "It was of no account; I knew Sumner would put his foot on it."

He did put his foot on it, but their conduct was none the less discreditable. In the Senate it was referred to the Committee on Foreign Relations, of which he was Chairman. Notwithstanding a pressure to have it reported earlier, he held it there for two months to allow time for reflection, and then reported the bill, with an amendment leaving out the clause, authorizing the suspension of commercial relations and reprisals on private persons, and substituting for it a clause making it the duty of the President to report to Congress the circumstances of the arrest of our citizens and any proceedings for their release, so that Congress could take prompt action to secure to everyone his just rights. Every member of his Committee concurred in this report.

In the Senate, Sumner declared that by the law of nations, private individuals could not be held responsible for the act of their government and that this provision against them meant, that Charles Dickens, or Anthony Trollope, or Rev. Newman Hall, trustful travellers and honored guests in our country, might be seized and imprisoned at the nod of the President, to the great shame of the country. It would make good men liable to suffer for acts, in which they took no part, and he could liken it to nothing better, than "the revival of the Prügel-knabe, who was kept at the German courts of former

days, to receive the stripes which the prince had merited for his misdeeds."

The Senate rejected these retaliatory provisions, in the House bill, by a vote of thirty to seven. But a substitute was moved, for the provision inserted by Sumner's Committee, requiring the President, whenever one of our citizens was unjustly deprived of his liberty, to use such means, not amounting to acts of war, as he may think proper, to obtain his release. Sumner opposed this amendment as conferring too great power on the President. On the other side it was said, that "the law as proposed to be passed under the direction of the honorable Chairman of the Committee on Foreign Relations amounts to nothing" and Conness of California charged Sumner with indifference to the rights of foreign born citizens, except those of African descent. Sumner replied, calling his attention to the fact that when Know-Nothingism prevailed and enveloped Massachusetts, opposing the naturalization and adoption of foreigners as American citizens, he had gone down to Faneuil Hall and, in the presence of one of the largest audiences ever assembled there, demanded the same protection and privileges for everyone, Irish, German, African or Chinese as he did now. The substitute carried and the bill, as thus amended, passed. Sumner, however, voted against it, though urged for political reasons to support it.

In the Senate on the twenty-first day of January, 1870, a controversy took place between Sumner and Trumbull of Illinois over reconstruction. In the heat of it Trumbull questioned Sumner's record on this question, taking him to task for his absence on the night of the passage of the Act of 1867, requiring equal suffrage as one of the conditions, when Sumner left the Chamber at midnight, before the vote was taken, but after the success of the measure was assured. It will be remembered that Sumner was the first to engrave equal suffrage for the colored race on that bill, as an essential condition of the return of the States in rebellion. Sumner took little notice of the thrust on that day. He did say:

"I have no taste for controversy; much rather would I give the little of strength that now remains for me to the direct advocacy of those great principles to which my life in humble measure has been dedicated, not forgetting any of my other duties as a Senator. If I have in any respect failed, I regret it. Let me say in all simplicity, I have done much less than I wish I had. I have failed often,—oh, how often!—when I wish I had prevailed. No one can regret it more than I. But

I have been constant and earnest always. Such, God willing, such I mean to be to the end."

This occurred when the admission of Virginia was under consideration. A few days later, when the admission of Mississippi was before the Senate, Stewart, of Nevada, returned to the subject, in an acrimonious speech, denying Sumner's authorship of the provision for colored suffrage, in the Act of 1867. When he concluded Sumner, unwilling to remain silent longer, reviewed the record at some length, commencing as early as 1862 and quoting, to show the different steps of the controversy and how constantly he had been in the front of the movement for equal suffrage. As the ground has already been gone over in these pages it is needless to review it again.

Sherman of Ohio, who was a Senator during the whole time in question and an active participant in all this work, was somewhat impatient at the consumption of time over the question. He said that Sumner's record on it was made long before 1867. "No man can deny," he added, "that from the first and I think the very first, he has advocated and maintained the necessity of giving to the colored people of the Southern States the right to vote \* \* \*. Early and late he has repeated to us the necessity of conferring suffrage upon the colored people of the South as the basis of reconstruction. I think, therefore, that he is justified in stating that he was the first to propose it in this body. \* \* \*. In my judgment it would be just as well for George Washington to defend himself against the charge of disloyalty to the American colonies, for whom he was fighting, as for the honorable Senator to defend his record on this question."

This controversy grew out of the reconstruction of Virginia, Texas, Mississippi and Georgia. The first three of these States had never been admitted and additional conditions were now demanded. The depredations of the Ku Klux Klan and other acts of outrage, upon loyal citizens, were awaking many Republicans to a feeling that other guarantees should be required of them. Among these was Sumner, who urged that the Senate should move slowly in the matter. Three Senators, Stewart, Trumbull and Carpenter, were for restoring them without requiring any conditions. A joint resolution was offered providing for the admission of Virginia unconditionally, declaring she had complied with all the conditions of the Reconstruction Acts. This was amended in the Senate by adding a requirement that Members of the Legislature and State officers of Virginia should take an oath of past loyalty or of the removal of their disabilities. Other amendments were added requiring for the

colored people equality in suffrage, equality in eligibility to office, in school rights and privileges. Sumner strongly advocated all of them and he had with him the mass of the Republicans. But the three Senators named opposed them; and it was over them the clash occurred. Sumner voted for all the amendments, but refused to vote for the resolution, though the amendments all carried. He believed that outrages in the South were becoming so frequent, that these States should, for a time, be continued under the control of Congress. But the resolution carried. Mississippi and Texas were admitted under the same conditions.

The Representatives from Georgia had been admitted to the House in 1868. But before the Senators were admitted, her Legislature had expelled all its colored Members on the ground that they were disqualified and had admitted, to their places, white persons, whose disabilities were not yet removed. Other outrages were being committed there upon loyal citizens. It all resulted in the exclusion of her Senators and the expulsion of her Representatives from Congress. She was now seeking admission again and was the last State to receive it. A proviso was added in the House to the bill for her admission, making valid the title of her State officers to their offices. In the Senate this proviso was opposed by Sumner. She was finally required to readmit the colored Members to their seats in the Legislature and to ratify the Fifteenth Amendment to the Constitution before her admission. Hence her admission did not take place until July 15, 1870. This completed the reconstruction of all the States which had been in rebellion.

The proclamation of the ratification of the Fifteenth Amendment was issued on the thirtieth day of March, 1870. The Legislatures of the only States that refused to ratify it were under the absolute control of the Democrats and every member of that party in Congress refused to vote for it. But the requisite support was obtained without them. Thus equal suffrage became a part of the fundamental law of the nation. On the evening of April first, a large crowd, after serenading the President and Vice-President, in honor of the event, went to the house of Sumner and he responded in a short speech, from his front door, in which he urged them to continue their efforts for equal rights until the word "white" was expunged from all our laws and the public schools were open to all alike.

At this session of Congress Sumner introduced a resolution and supported it by a speech, asking the revocation of the charter of a medical society of the District of Columbia be-

cause it refused to admit colored physicians to its membership. But he was unable to secure action upon it.

With the admission of Mississippi came questions as to the right of each of her Senators to a seat. Hiram R. Revels was a colored man, the first to ask admission to the Senate and, as if by a strange decree of Providence, who sometimes chooses the weak things of earth to confound the mighty, he came to occupy the seat made vacant by Jefferson Davis, who had abandoned it and became soon after the President of the Confederacy. Adelbert Ames, the other, was an officer in the United States Army, in command of that State and its provisional Governor, a native of Maine and a graduate of West Point, who by brilliant service had won his star, before he was twenty-six years of age. He of course belonged to that class later known in the South as "carpet-baggers". The only objection made against him was that of non-residence. He was in the State, claimed it as his residence and resigned his position in the army to take his seat. Sumner spoke and voted in favor of both ; and both were seated. The objection made to the seating of Revels was solely on account of color. A Democratic member moved to refer his credentials to the Judiciary Committee. Sumner insisted that the argument of this question was past, that it had been fully discussed, that nothing more could be said upon it and it only remained to act, that no man acted for himself alone, that what he did, whether for good or evil, is felt in widening circles, according to the measure of his influence, that what the Senate did upon this question, would be by way of example to be followed by other bodies and associations throughout the country; it should be an example against tyranny and wrong and "for all everywhere who feel the blight of unjust power". The motion to refer was defeated by a vote of forty-eight to eight; and by the same vote he was seated.

## CHAPTER XXXIX

### FINANCIAL MEASURES—ONE CENT POSTAGE—CHINESE INDEMNITY FUND—CLAIMS AGAINST ENGLAND—IN HARMONY WITH GRANT'S ADMINISTRATION

THE time of Congress during the years 1869 and 1870 was largely occupied with financial measures growing out of the war. There was much talk of damages done by our armies in the South and claims were made on behalf of persons, alleged to have been loyal, whose property had been destroyed in this way. Of course the claim of loyalty was hard to disprove, though in many cases it was gravely questioned. A sample of these claims was in that presented by Miss Sue Murphy of Decatur, Alabama. Her house was entirely destroyed under an order from General Sherman to make this place a military post. She claimed she had been loyal though residing in a Rebel State. The claim provoked discussion because it was one of a large class and if paid would open the door for many others. Sumner opposed its payment. He said it presented to him the single question whether the nation was bound to indemnify a citizen domiciled in a hostile state for property taken to build a fort against the Rebels. He insisted that the authorities upon this question from the law of nations were all against the payment of such a claim, that if this one were paid, claimants whose name would be legion, must be paid also and hence there was here a reason for caution. On his motion the bill to pay it was recommitted to the Committee on Claims. All of its class subsequently failed.

The national debt was already very large and it was taxing the resources of the Government to keep the interest paid and the bonds provided for as they came due. There was a careful watch being kept that it should not be unwisely increased. Sumner was anxious to have it so adjusted as to be in process of extinction. He argued, however, that the preservation of the union was a work of such magnitude and of such importance to future generations that the burden of it should not all be imposed upon the country at once. He was in favor of issuing new bonds payable in the future so that its payment should be gradual. On the twelfth day of January, 1870, he

introduced a bill for the purpose of refunding the debt, providing for the issue of three classes of bonds, all redeemable in coin and exempt from taxation. There was to be \$500,000,000. of each class and the first was to be redeemable in from ten to forty years, bearing interest at five per cent; the second redeemable in from fifteen to fifty years, with interest at four and one-half per cent; and the third redeemable in twenty to sixty years, with interest at four per cent. The bill also provided for extending the amount of the issue of the circulating notes of the National banks from \$300,000,000 to \$500,000,000, the additional circulation to be distributed according to population among the States and Territories. And an equal amount of greenbacks was to be withdrawn. This additional circulation of the banks was to be secured by the four per cent bonds, redeemable in from twenty to sixty years, deposited with the United States Treasurer, in the proportions of one hundred dollars of bonds for each eighty dollars of notes issued.

The object of the bill was to retire bonds bearing a higher rate of interest so as in part to relieve the government of the enormous burden of accumulating interest and at the same time extend the time of payment of the debt, so that it would not all come due at once, but gradually and, if need be, at long intervals. It was not his expectation that it would all be paid by the generation that gave its blood so freely to put down the Rebellion, nor that it should be an irredeemable debt like the British consols. He would adhere to the definite payment of the debt and avoid the idea that it was to be permanent, but he would not require payment so soon as to embarrass our business interests.

A further section provided for the resumption of specie payments. When the premium on gold fell to, or within five per cent, the Secretary of the Treasury was to give notice that greenbacks would be received in payment of custom duties at par.

Sumner spoke on the subject, between the twelfth day of January and the eleventh day of March, 1870, on six different occasions and showed a greater interest in the measure than any other Senator, save Sherman of Ohio, who was the Chairman of the Committee on Finance. It was this Committee that had the bill in charge. Sumner in his speeches repeatedly urged the necessity of economy in the public expenditures so that payments might be made on the national debt and taxes likewise be reduced.

He opposed the continuance of the income tax because the difficulties in the way of its fair assessment are not of a char-

acter that can be overcome, though apparently equal, it being in operation most unequal and vexatious. He argued that it was inquisitorial, difficult of collection and fell with peculiar weight upon those who were disposed to act honestly. A good place for the reduction of taxes to begin, he believed, was in the abandonment of this altogether. It was only resorted to as a war measure. And the war, the occasion and the pretext of it, having ended, it should be abandoned at once.

He also moved to abolish the tariff on books printed in foreign or dead languages of which no editions were printed in the United States; and, being voted down in this, he then moved to add to the free list books with illustrations relating to the sciences and the arts. But this also was voted down. He argued that our foreign population—German, Italian, Spaniard, Swede and Dane—when they came here to join their fortune with ours, should have the means of enjoying those innocent recreations that are found in reading works of literature, or instruction which thousands of them would be glad to have. As to the books of sciences and the arts, many of them were too costly and the sale of them too limited to be reprinted and to deprive men of the use of them, by a heavy duty, was an outrage. It was often taxing the tools by which they lived. He was for free schools and free knowledge everywhere.

But while he urged economy and the reduction of expenses, there were certain measures advocated that he was unwilling to agree to, as either wise or politic. A bill was introduced to abolish the franking privilege whereby Senators and Members of Congress and other officials enjoyed the freedom of the mails for letters on official business, speeches, documents, pamphlets and seeds. He believed that this privilege brought the Government and people nearer together, than any government and people ever were before. It disseminated knowledge by means of these speeches and documents. When slavery was in existence, this privilege had carried the arguments against it to the people and when the war broke out, it became the powerful ally of the national cause. He could not think it politic to dispense with it, without providing some substitute. He, therefore, introduced, as a substitute, a bill to reduce the rate of postage on letters to one cent and make a reduction of the rate on papers.

He made an elaborate speech on the subject. It had been a favorite one with him. He had sought as early as March eighth, 1852, to secure a reduction on ocean postage and had supported a resolution of inquiry into the subject, by a brief speech calling attention to the extravagant rates charged. The

rate had been subsequently reduced; but he thought them still too high. On the seventh of December, 1868, he offered a resolution requesting the President to open negotiations with England, France and Germany for cheaper ocean postage. He believed on a letter of half an ounce weight the domestic postage should be one cent and the foreign should be three cents. The reduction on foreign letters has since been made.

On the tenth of June, 1870, he spoke at length on the subject of cheaper postage. The speech occupies sixty pages of his works and is an exhaustive historical review of the postal systems of our own country and Great Britain. He believed that the reduction of the rates as he proposed would result in the increased use of the mails to such an extent that this would compensate for the loss of the higher rate, that where mail routes were established and the mail had to be carried the increased number of the letters carried added comparatively little to the cost of carriage. A reduction of the fee for admission to the Tower of London in the ratio of four to one was followed by an increase of visitors, to this great national museum, in the ratio of more than eight to one. Another illustration that he gave was of a panorama in our country that at an entrance fee of twenty-five cents did not pay expenses, but when the fee was reduced to ten cents the attendance was so much increased that it gave a profit of one hundred dollars a week. The purpose of his speech was to prove by the experience of England, whose letter postage was one penny, as well as by results shown by the reduction of rates, in the United States, that the increased use of the mails thus induced would make our postal system more profitable to the Government.

But he reminded them that if there was a possible loss of revenue the post-office should not be viewed as "a taxing machine", but as a beneficent agency and was to be used not to make money, but to promote the welfare of the people.

"A letter," he said, "is simply conversation in writing and, therefore, by strictness of logic, the tax you impose is a tax on conversation. \* \* \* Once at Mr. Webster's table I heard the question discussed, 'From what do men derive most of what they know?' The scholars about him answered,—one naming 'Our Mothers', another, 'Schools', another 'Books', another 'Newspapers', when the host, who had listened to each, remarked, very gravely, 'You forget Conversation, from which, in my judgment, we derive the largest part of what we know.'" Sumner argued that conversation being a great educational agency should not be subject to a tax, nor should conversation in writing, in other words the letter; it should be as free as it

can be made, consistent with the actual expense of carriage and delivery.

Slavery, Sumner insisted, had always been the enemy of the postal service; so long as it held sway, improvements could not be made; that one of the first legislative acts of the Confederate Government at Montgomery was to raise the rates of postage; that this department had received the care of anti-slavery men, before the war and now when they could, they should make it the best in the world, by carrying letters to every door at the smallest charge consistent with expense. He would make it an agency to promote the welfare of the people and increase their happiness, keeping these objects first and its earning capacity second.

Among the matters of interest, relating to the Treasury, that came to Sumner's hands at this session was a balance of the Chinese Indemnity Fund. In 1858 the Chinese government had entered into a treaty with ours whereby it was to pay five hundred thousand taels or about seven hundred thousand dollars of our money to liquidate certain claims made by our citizens for damages done our shipping by the depredations of Chinese pirates, etc. The claims then made amounted to more than one million two hundred and fifty thousand dollars, but it was believed they would be reduced, when an actual settlement of them came to be made. They were in fact so largely reduced by the authorities having the adjustment in charge, that about two hundred thousand dollars of the fund remained after the awards were satisfied. This fund had increased by investment, but otherwise it was in this condition ever since 1860.

The successive Presidents had called the attention of Congress to it and asked action upon it, but none had been taken. Various suggestions had been made as to the disposition of the fund; one was to build an American college with it, in Pekin, China, for the education of students of both nations, each in the language of the other; another use suggested was to build an embassy for the United States, at Pekin, our country having none there; still another was to return the money to China, although she was making no claim to it. The matter was referred to the Committee on Foreign Relations on March tenth, 1870, and, with its customary promptness under Sumner's Chairmanship, it reported on June twenty-fourth following. The report was prepared by Sumner.

It reviewed the origin and history of the fund. It had been invested in United States bonds and, with its accumulation, now amounted to three hundred and eighty-six thousand dollars. Sumner insisted that the fund had only been held by us in

trust, that in equity it belonged to China and should be returned to her and the report advised that this disposition be made of it. "Whatever may be our technical title", the report tersely said, "in conscience the money is not ours". It will be noticed how he brought measures to this test; in conscience, what is right? By its return, he urged, our country would perform an act of justice to China, though still unsought and relieve itself of a troublesome trust, which so long as it continued, would be a bait to disappointed claimants, whose claims had been rejected by the proper authorities as not entitled to payment.

But international claims of much greater importance unexpectedly came into prominence again about this time. These were our claims against England growing out of her conduct towards us during the war. They had been of absorbing interest since the early days of the war. It will be remembered that Sumner, in September, 1863, made an address on this subject at Cooper's Institute in New York City, at the invitation of the Young Men's Republican Club. Our Government had steadily protested, during the war, against the unfriendly course of England and it was determined that a reparation for her acts should be demanded of her, at the close of hostilities. Our Minister to Great Britain, Charles Francis Adams, had presented and argued the questions involved to the English Government, but it had refused to make any reparation or to agree to a reference of the controversy to any foreign State. At a later day a statement of the claims made by individuals for losses caused by the battleship *Alabama*, built and armored in England and manned by an English crew, but officered by Rebels, had been transmitted, by Secretary Seward, to Mr. Adams, and was presented by him to that Government, but it still declined to recognize them. Mr. Adams retired from the post of Minister to Great Britain, in May, 1868, with the respect of both nations, having faithfully represented his country upon this question, but without being able to effect a settlement or even get a proposition for a reference of it.

He was succeeded in June, 1868, by Reverdy Johnson, a native of Maryland. After having established a brilliant reputation at the bar, Johnson, in 1845, became a United States Senator from his native State. He was appointed Attorney-General of the United States in 1849 and in 1863 was again returned to the Senate for a full term of six years. He was therefore a member of the Senate at the time of his appointment. In the Impeachment proceedings, then just closed he had voted for the President's acquittal. He was a Democrat,

but one of the moderate school. At the time of the assault made by Brooks on Sumner, though disapproving of Sumner's political opinions, he had expressed his sympathy for him and had condemned the assault. He was easy, affable and naturally courteous. He had been a Member of the Committee on Foreign Relations with Sumner for several years and, except on party questions, they had uniformly harmonized. These traits gave him strength when his nomination was made. Few Democrats, especially of his age, for he was then in his seventy-third year, could have secured the ready confirmation he did, on the eve of a Presidential election, for a post requiring such talent for foreign diplomacy and knowledge of international law. Sumner favored rejecting the appointment, or any other the President would make, preferring to leave the embassy in charge of the Secretary of the Legation, for the short interval before a new administration would be inaugurated. But upon privately suggesting that course, he found his Republican colleagues were disposed to give Johnson the compliment of the short service that remained. He, therefore, yielded to this preference of his colleagues and Johnson was unanimously confirmed, Sumner feeling that if confirmed at all, it should be in such way that he would feel obliged to the Republicans. The evening after the confirmation Johnson called at Sumner's house and thanked him for the unanimity of the action of the Senate.

It was not expected among the Senators that a settlement of the *Alabama* claims would be undertaken by the new Minister, but that he would take up the subjects of naturalization and the San Juan boundary about which there were disputes between the two countries. But when Johnson reached England he promptly entered upon a negotiation for a settlement of the *Alabama* claims, with Lord Clarendon, the British Minister of Foreign Affairs. It was the evident wish of both our Minister and Secretary of State to add the settlement of this old and much-talked-of dispute to the accomplishments of President Johnson's administration. To facilitate its progress, much of the preliminary work was carried on between the Secretary and Minister by cable so that it was known the treaty was progressing under the immediate direction of Mr. Seward, As his work in the Department of State had been generally approved, much was hoped for the treaty, if it should reach completion. No one was prepared for the disappointment and chagrin that was felt, when its terms became known. It was signed January fourteenth, 1869, and reached this country the following month, only a few weeks before the expiration of the

President's term. It was at once transmitted to the Senate where it was referred to the Committee on Foreign Relations. It is known in history as the Johnson-Clarendon Treaty, from the names of the two Ministers who negotiated it.

There had been a feeling of exasperation at the course of England towards the North. Her indecent haste in according belligerent rights to the South in little more than one month after the bombardment of Fort Sumter, the building of the pirate ships in her dockyards and permitting them to escape, manned with British seamen, to prey upon our merchant marine after our Minister had pointed out their character, the sale of guns and other munitions of war by her people to the Rebels, their subscription to the loans negotiated by the Confederate Government to raise money to maintain the Rebellion, were all too well known to be soon forgotten. It was remembered, too, that some of the subscribers to the Confederate Loan stood high among British statesmen, Lord Robert Cecil, since Marquis of Salisbury and Premier of England, more than twenty of her Members of Parliament, and twice as many of her nobility. Many of these same men had established and become officers of an association to promote the cause of the Rebellion and supply it with funds. Harsh comments came from leading British statesmen upon the course of the North, with threats of intervention. The builder of the *Alabama* was cheered in Parliament, when he declared that the institutions of the United States were of no value whatever and had "reduced the name of Liberty to an utter absurdity." Another Member, Roebuck, argued that it was not to England's interest to see the North triumph and declared: "As far as my influence goes I am determined to do all I can to prevent the reconstruction of the Union." These were not accidental expressions, but common in that body, where more than half the Members were open sympathizers with the South. Hardly less exasperating was England's tone of guardianship over the North as if she were the parent, responsible to the world for the acts of her child, to watch every movement, forbid what she disapproved and interfere to punish, if disobeyed.

The extent of the injury was well known to the people of the North. There was no country where the masses understood so well questions of national interest. The common schools trained the youth, newspapers were cheap and everywhere read, the constantly recurring popular elections, at which all men voted, with the thorough discussion of the issues at stake, the habit of independent thought, which a century of self-govern-

ment had cultivated, all united to develop public interest in such a controversy. Its merits were well understood by the people, who had lately had many lessons of love of country and devotion to the flag, and their sense of injury, when now in the flush of victory and with hands again free, was deep-seated and their resentment not easily concealed. There was a general expression of disappointment from them when the terms of this treaty became known.

When it came to be considered in the Committee on Foreign Relations every member was found to be against it. The report was not made for some weeks, but when presented it unanimously recommended that the Senate reject the treaty. It became Sumner's duty, as Chairman of the Committee presenting the report, to give the reasons which actuated them in making this recommendation. This he did, in a speech of an hour's length, on the thirteenth day of April, 1869. It was a careful review of the grounds of complaint against the treaty and of our claims on England. It was almost judicial in its tone, avoiding anything that would seem to savor of bitterness and aiming to present the facts in their true light. While realizing the great wrong that had been done by England, he still felt his early love for the people and country that had contributed much to his own happiness. He wished an honorable settlement of our claims, but he would have been among the last to resort to war to secure it. He did not believe there would be any occasion for such a resort, but felt that if our wrongs were clearly understood, the well-known sense of justice of the English people would prevail to right them. He, therefore, hoped by what he said to so reach the English people as to convince them of the rightfulness of our case, promote an adequate settlement, and thus remove all cause for bitterness and lead to a lasting peace.

He said this was the first instance, since he came into the Senate, of a report recommending the summary rejection of a treaty. They had sometimes amended, sometimes reported without any recommendation, but never, so far as he could remember, had they asked a rejection. But the exceptional character of this treaty seemed to justify this report. He believed, in the interest of peace, which all should desire, that it should be so treated.

He called attention to the fact that the *national* claims were ignored entirely in it, no direct mention being made of the injury the *Nation* had suffered. This, he said, was a strange omission when it was remembered that the acts of England had given early encouragement and constant material support to

the Rebellion, nerving the South to strike the blow and cheering her to continue the battle with the constant hope of intervention; and yet the terms agreed upon were wide enough to forever bar a future recovery for the enormous expense caused by the prolongation of the war. There was not even a word of acknowledgment or of apology for this persistent course of wrongdoing. The whole case was here treated as one for *private* injuries to our citizens, as if claims of *individuals* were the only matters of damage in issue.

The preamble of the treaty commenced with a recital that claims had been made by *citizens* of the United States on Great Britain and by subjects of Great Britain on the United States and some of such claims were still pending and unsettled, and the rulers of the two nations, believing that a settlement of them would contribute to the maintenance of friendly feelings, had sought to make this arrangement for such a settlement. Sumner suggested that there was nothing in this to give notice of the real question that had so deeply stirred the American people —the wrongs to our *Nation*. This only recited the wrongs of *individuals*. The body of the treaty provided for the trial of claims of *individuals*, by a commission to be created for that purpose. The treaty further provided that the result thus reached was to be “a full and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of ratifications”. So that, as Sumner said, there was no provision for the settlement of the claim for *national* damages and yet this serious matter in dispute was to be barred and forever disposed of by what was done as to *individual* claims. It was even insisted that among the *individual* claims to be presented by the subjects of Great Britain would be those of the holders of Confederate bonds in England.

Sumner then passing from the treaty itself stated the claim of the United States. He insisted that the recognition of Rebels as belligerents, on land and on sea, was hasty and unfair, that belligerency must have an actual existence before, under the Law of Nations, it could be recognized and that the Rebels were not belligerents on the ocean at that time and never were afterwards, that they must have had power on the ocean, ships, a navy, and be prosecuting the war there and have prize courts for the adjudication of captures made on the high seas, before the right of ocean belligerency could be granted, that having none of these things, the grant was wrongful; that it was fraught with destructive consequences to the North, that without it no Rebel ship could have been built in England, because to do so would have been piracy, that to furnish munitions of

war, without it, would have been piracy, that to practise blockade running, without it, would have been piracy; that the consequence of this act was to put the Rebels on an equality with us in the English markets; that pursuing this privilege, came the building of the *Alabama* at Liverpool, that as early as July, 1862, our Minister in London, Mr. Adams, had completed the evidence of the purpose for which she was built and accompanying it with the legal opinion of an eminent English barrister declaring it to be their plain duty to stop her departure, it was forwarded to the proper officers and a remonstrance presented against permitting her to leave England, that five days later she was permitted to depart on her piratical mission; that other ships were built, for the same mission, among them ironclad rams, manned and armored in England, British in every respect except in their Commanders, who were Rebels, cheered by a British passenger ship upon the ocean, their builder cheered in Parliament, where he defended what he had done, permitted the freedom of British ports to obtain supplies, the Commander of one of them saved by a British yacht as his ship was sinking, after her destructive course was run, as if symbolizing the omnipresent support of England; that everywhere the course of these vessels was strewn with the wrecks of our commerce, entailing the loss of millions to our citizens and prolonging the war and requiring immense expenditures by our Government to destroy them; that the grant of these belligerent rights was aggravated by two circumstances, first, that it was published on the very day our Minister arrived in England, after he had been announced and was daily expected, but without giving him a hearing, second, that it was an unnatural departure from the avowed anti-slavery creed of England, wherein she had announced her pledge to the Universal Abolition of Slavery, whereas she here took Rebel slave-holders by the hand, gave them official protection and the God-speed of England, in their work of founding a slave oligarchy.

In discussing the extent of our losses Sumner said those of *individuals* were determinable with reasonable accuracy, that ships burned and sunk with their cargoes could be estimated and the amount fixed, but the damages done by commerce being driven from the ocean and the injury caused by the prolongation of the war, which were our *national* losses were difficult to fix and immeasurable in extent, that Mr. Cobden had estimated the losses from the capture and burning of American mercantile vessels at fifteen million dollars, but that this was a small part of it, that the rest of our vast mercantile shipping

had been rendered for the time valueless, that during the decade from 1852 to 1862, the aggregate tonnage of American vessels entered at United States seaports was thirty million tons and the aggregate tonnage of foreign vessels was fourteen million tons, that in the five years from 1863 to 1868 the American tonnage entered was nine millions and the foreign fourteen millions, showing a reduction from two hundred and five to sixty-six per cent; that this loss must be largely attributed to British pirates and that to it must be added the further loss of our natural increase of tonnage; that there was moreover the loss caused by the prolongation of the war, that no candid person could deny that Rebellion was strengthened and prolonged by this aid, that it was encouraged by the concession of belligerent rights on the ocean, fed by British supplies and flamed up anew with every burning vessel destroyed by war ships, whose base of supplies was not in America, but in England, so that Mr. Cobden had been able to say that England, from her shores, had made war on the United States and done her an amount of damage greater than would be produced by many ordinary wars.

In conclusion, he said, that in this speech he was no volunteer, that for several years he had avoided saying anything on the question, hoping it would be settled; but the submission of this treaty made it his duty to review it carefully in the Committee and in making their report to state the reasons for their action to the Senate with the hope of aiding to a settlement that would remove all possibility of strife between the two countries.

"In this spirit," he added, "I have spoken to-day. If the case against England is strong, and if our claims are unprecedented in magnitude, it is only because of the conduct of this power at a trying period was most unfriendly, and the injurious consequences of this conduct were on a scale corresponding to the theatre of action. Life and property were both swallowed up, leaving behind a deep-seated sense of enormous wrong, as yet unatoned and even unacknowledged, which is one of the chief factors, in the problem now presented to the statesmen of both countries. The attempt to close this great international debate without a complete settlement is little short of puerile."

\* \* \* "The truth must be told,—not in anger but in sadness. England has done the United States an injury most difficult to measure. Considering when it was done and in what complicity, it is truly unaccountable. At a great epoch of history, not less momentous than that of the French Revolution or that of the Reformation, when Civilization was fighting a

last battle with Slavery, England gave her name, her influence, her material resources to the wicked cause, and flung a sword into the scale with slavery. Here was a portentous mistake. \* \* \* And yet down to this day there is no acknowledgment of this wrong—not a single word. Such a generous expression would be the beginning of a just settlement, and the best assurance of that harmony between two great and kindred nations which all must desire."

At the close of the speech, the Senate rejected the treaty, by a vote of fifty-four to one.

The speech was received with general commendation. The Senate approved it and before opening its doors and, without suggestion from Sumner removed the ban of secrecy, which the executive session had enjoined; and the speech appeared in many of the leading dailies of the country. A pamphlet edition of it was printed for circulation in England. The President and Secretary of State both commended it. Efforts were made, in the subsequent controversy between Sumner and the President, over San Domingo, to show that the President and his Secretary disapproved of certain parts of it, but the contemporary evidence to the contrary is conclusive. It was recognized by them as well as by the masses of Americans as a plain, direct and forcible statement of the American position. Its conservative tone was noted and it was characterized, at the time, as the most popular speech Sumner had ever delivered.

In England the reception of it was different. It was there hoped that the troublesome controversy was in course of final and satisfactory settlement, upon terms altogether easy to her. When the treaty was so summarily rejected and, accompanying the rejection, came the speech of Sumner there was bitterness generally expressed and much of it was directed to Sumner. His position was a disappointment to his English friends, who hoped he would use his influence to close the apparently widening breach. In the long years of their friendship they had been in accord with so much of his work that they were greatly disappointed at his position and, as one of them expressed it, when his name was mentioned they were silent for the first time now. The daily newspapers in Great Britain, which had much to do in molding public sentiment, more than in America, did not publish his speech, but resorted to extravagant statements of its contents, calculated to create prejudice against him. He was held responsible for the action of the Senate, though the feeling against the treaty was so general and so pronounced that it would have been defeated, without a word from him. But after all, the effect of the speech upon

England was good. It contributed to awaken there a better appreciation of the merits of the controversy. One of her controlling public men wrote Sumner in acknowledging a copy of the speech: "I cannot tell you how cordially I sympathize with what seems to me the governing idea of the speech. Great international differences are not to be disposed of by huddling them up and pretending not to look at them, nor to be treated, as a man treats a bad shilling, by trying to pass it among a handful of half-pence." This would have been good advice to give Johnson and Clarendon at the beginning of their labors on the treaty.

Sumner's purpose was not to secure large damages from England and certainly not to provoke hostilities between the two countries—nothing could have been farther from him. He had been for many years the firm advocate of peace. But he did wish England to realize the great wrong she had done us, and acknowledge it and establish a principle of international law, that would be a guide to civilized nations for the future and prevent the recurrence of such wrongs and the occasion for hostile feeling and perhaps war.

President Grant was in entire accord with the action of the Senate upon the treaty and so expressed himself in his next annual message to Congress. He there reiterated the claim Sumner had made for *national* damages, enumerated the same items of injury, and regretted that the Johnson-Clarendon treaty had assumed that the subject was one for *individual* losses alone.

"The injuries resulting," he said, "to the United States by reason of the course adopted by Great Britain during our late civil war in the increased rates of insurance; in the diminution of exports and imports, and other obstructions to domestic industry and production; in its effect upon the foreign commerce of the country; in the decrease and transfer to Great Britain of our commercial marine; in the prolongation of the war and the increased cost both in treasure and in lives, of its suppression, could not be adjusted and satisfied as ordinary commercial claims, which continually arise between commercial nations \* \* \* Not a word was found in the treaty and not an inference could be drawn from it, to remove the sense of the unfriendliness of the course of Great Britain, in our struggle for existence, which so deeply and universally impressed itself upon the people of this country. \* \* \* I regarded the action of the Senate in rejecting the treaty to have been wisely taken in the interest of peace and as a necessary step in the direction of a perfect and cordial friendship between the two countries."

Mr. Motley, our Minister, who had in the meantime succeeded Mr. Johnson, announced the rejection of the treaty to the English Government. The United States was, under instructions from the Secretary of State, committed then to the claim for *national* damages, in addition to the claim for individual losses. But as the feeling aroused in England by the rejection of the treaty and Sumner's speech setting out our wider claim for damages rendered the chance of a present settlement unfavorable, our Minister was instructed not to press the matter then. In these steps Sumner was constantly consulted by Secretary Fish, who had succeeded Mr. Seward while the treaty was still in the hands of the Committee on Foreign Relations. During the summer, the Secretary asked Sumner to prepare a statement of our case to be presented to the English Government, but Sumner declined and suggested General Cushing, who did prepare the able presentation of it known as the dispatch to Motley of September twenty-fifth, 1869, and embodying Sumner's views.

A year went by and nothing further was done. In his annual message to Congress in December, 1870, President Grant spoke of the unwillingness of England to admit that she had been guilty of negligence towards the United States or did or permitted any act of which they had any cause of complaint and suggested that Congress make provision for the proof and payment of private claims of our citizens, after notice to the English Government, so that our Government could thus become the owner of these claims. It thus became apparent to England that there would be no abandonment of our claim and no disposition to be hurried in the settlement of it, by the urgency of private claimants. This quickly awakened England's interest in the subject especially in view of the possibility of her being involved in the war then waging between Germany and France, when piratical *Alabamas* and ironclads might escape from American ports to prey on English shipping, or our well-equipped gun factories might make sales of arms to her enemies.

Early in January, 1871, Sir John Rose, a London banker, was dispatched as a confidential agent of the English Government to learn the feeling in our country on the subject of a settlement. Following this up, in the same month, a correspondence was commenced by England looking to a settlement of all matters in dispute between the two countries. The question which for six years had been permitted to lie idle, almost ignored by Great Britain, had in a day become urgent. A Joint High Commission, the members to be named by each Govern-

ment, was created, to meet in Washington and discuss the subject. The course of events was so rapid that in twenty-seven days from the time of its suggestion the Members of the Commission were in New York. They did not wait to receive their commissions, which were sent after them by a special messenger, and it was laughingly said, they did not delay their departure from England long enough to pack their trunks, but left that to be done by their servants who were to follow them.

Sumner, though not then a member of the Committee on Foreign Relations, was in frequent consultation with both the American and English Commissioners. Two of the English Commissioners, Earl De Grey and Sir Stafford Northcote brought letters of introduction to him and Sir Edward Thornton, the British Minister, invited Sumner to dine with the English members, no other guest being present. He repeatedly entertained them. Both sides recognized his familiarity with the subject and his influence in the Senate and with the people.

A treaty was concluded by them in Washington on May eighth, 1871. England expressed, in a friendly spirit, her regret for the escape of the *Alabama* and other vessels from British ports and for the depredations committed by these vessels. She agreed that all the claims growing out of acts committed by these vessels and generally known as the *Alabama* claims should be referred to a tribunal of arbitration, to be composed of five arbitrators, one to be named by President Grant, one by Queen Victoria, one by the King of Italy, one by the President of the Swiss Confederation and one by the Emperor of Brazil. The terms of the Johnson-Clarendon treaty were thus far exceeded and the *national* claims insisted upon by Sumner, became a subject of settlement. England acknowledged her error in permitting the escape of these vessels. But a still greater concession was made and one much desired by Sumner. England agreed that, in deciding the matters submitted, the arbitrators should be governed by three rules to be taken as applicable to the case; first, a neutral Government is bound to use due diligence to prevent the fitting out, arming or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or carry on war against a power with which it is at peace and to prevent the departure from its jurisdiction of such vessel there adapted in whole or in part to warlike use; second, such Government is not to suffer either belligerent to use its forts or waters for a base of operations, supplies or recruitment of men; third, such Government must use due diligence in its forts and waters and

over all persons therein to prevent a violation of the foregoing obligation.

Sumner's criticisms of the Johnson-Clarendon treaty were thus observed in the making of this one, afterwards known as the Treaty of Washington from the place where it was negotiated. The English Commissioners confessed their obligations to this speech of Sumner. One of them said that they had used it "as a chart" and that his suggestions had been substantially adopted. Sumner himself said the new treaty met every point he had made against the Johnson Convention, except the amount of the damages which was of course to be determined from the evidence. Judge Hoar, who was one of the American Commissioners, and who had been in frequent consultation with him as their work progressed, carried the first available copy of it to Sumner inclosed in an envelope, indorsed, "The result of long and earnest labor is presented and dedicated with respect and confidence by his friend, E. R. Hoar." Sumner spoke and voted for the ratification of the treaty. He suggested some amendments, in the way of principles of international law to guide in future wars, but did not press them.

The Court of Arbitration met at Geneva, Switzerland, in December, 1871, and after a hearing of nine months awarded fifteen million, five hundred thousand dollars to be paid in gold by England to the United States, in satisfaction of all claims.

After the break came between Sumner and President Grant over San Domingo, there was an effort made by some of the President's friends to make it appear that there were differences between them over the *Alabama* claims. It was said that the President felt Sumner's views on the grant of belligerent rights to the Rebels and the American claim for *national* damages were extreme and that he might involve us in war with England over them and hence desired his removal from the Chairmanship of the Committee on Foreign Relations, to promote a peaceful settlement with Great Britain.

From what has already been said it will appear that there was no foundation whatever for such a claim. It was only an effort by the apologists of the President to conceal the real cause of the difference. Some months after the delivery of Sumner's speech and after the President had congratulated him upon it and repeatedly expressed his approval of its positions both on *belligerency* and *national* claims, Grant favored the extension of belligerent rights to the insurgents in Cuba, in one of their revolutions against Spain. Rawlins, Secretary of War, was very urgent with the President to have him recog-

nize Cuban belligerency. On the fifteenth of December, 1869, Sumner spoke against it in the Senate and he was urgent with Fish and others near the President to prevent the step. The revolutionists had no city, no government, no courts, no ships and hence had no title to be treated as belligerents. The influence of Sumner and his friends finally prevailed to prevent it and among the arguments used was that it would weaken our case against England. But the President was on this account, during the fall of 1869, disposed to give less prominence to the action of England in granting the South belligerent rights, than he had been at the time and for some months after the delivery of Sumner's speech. Hence there was seeming ground for the claim made by the President's friends of a disagreement.

The other point of difference claimed was that the President did not agree to the claim made by Sumner for *national* damages. But we have seen how the President in his annual Message to Congress in December, 1869, set out these very claims himself; and he insisted on them repeatedly afterwards. They were included in the Treaty of Washington, which was ratified by the Senate and were presented, in the statement of the case prepared by the United States government, with such fullness, that they threatened at the time to break up the court of Arbitration at Geneva, by the withdrawal of England. This statement Sumner had no hand in preparing and disapproved as harsh. It was prepared by the Assistant Secretary of State, J. C. Bancroft Davis, under the direction of Secretary Fish and was approved by President Grant. A modification of this claim was sought and obtained by the English government and the arbitration proceeded and hence the pretext for the statement that Sumner was extravagant. Curiously enough the man who has made the claim of Sumner's extravagance as the occasion of the break with Grant, was J. C. Bancroft Davis who himself prepared this statement of the American case.

But these things, if true, would not furnish a justification for the removal of Sumner from his place at the head of the Committee on Foreign Relations, which he had filled so long and with such honor to his country. And if there was no foundation for them in fact, they should not have been made to cover up the real and unworthy cause of the removal.

Sumner was in entire harmony with the Republican Administration at the close of the year 1869. He was chosen in September to preside over the Republican State convention of Massachusetts, meeting at Worcester and upon taking the chair, reviewed the Issues upon National Affairs at Home and Abroad. In the whole speech there was no note of disagree-

ment. He spoke of the misrule of Andrew Johnson, encouraging the South to acts of lawlessness and the difficulties Reconstruction had encountered under him and said: "Andrew Johnson is now out of the way, and in his place a patriot President. Public opinion must come to his support in this necessary work. There is but one thing these disturbers feel; it is power; and this they must be made to feel: I mean the power of an awakened people, directed by a Republican Administration, vigorously, constantly, surely, so there shall be no rest for the wicked." He warned against repudiation in any form, and counselled against the grant of belligerent rights to Cuba; and passing to the *Alabama* claims he reviewed our case briefly, but temperately. Speaking of our damages he said: "Call them what you please, to this extent the nation lost. The records show how our commerce suffered, and witnesses without number testify how the blockade was broken and the war prolonged. Ask any of our great generals,—ask Sherman, Sheridan, Thomas, Meade, Burnside,—ask Grant." Grant was present in his thoughts and he was in full co-operation with him in the work of a Republican Administration.

## CHAPTER XL

### CONTINUED INTEREST IN REPUBLICAN PARTY—SCHEME TO AN- NEX SAN DOMINGO—SICKNESS—REMOVAL FROM COMMITTEE ON FOREIGN RELATIONS—FAILURE OF ANNEXATION

ON the fifteenth day of October, 1870, Sumner presided at a Republican ratification meeting held in Faneuil Hall. Governor Claffin and Congressmen Hooper and Twichell were candidates for re-election and the Legislature to be elected would choose the successor to his colleague Senator Wilson, who was also a candidate for re-election. These men were all close friends of Sumner and he desired to see them all re-elected. He mentioned all in his speech on taking the chair and urged their re-election.

As showing his still continued harmony with his party, he said: "I would add one further word in reply to those who insist that the Republican party has done its work, and therefore may die. Nothing more absurd. It has done a great and ever-memorable work; but much remains to be done." He then recited its achievements, the suppression of the Rebellion, equal rights at the ballot box and in the courts, reconstruction, homesteads, a Pacific Railroad, reduction of the national debt without repudiation in any form, and reduced taxation. He then added: "It is foolish to imagine that this great party, consecrated to Human Rights, can die. It will live as long as people cherish those sublime truths declared by our fathers, of which it is the representative and guardian. Its special work will always be to stand by the nation in its unity and by the people in their rights. For such a party there can be no decay. Men whom I now address may grow old, but the Republican Party will be ever young." In conclusion he introduced General Hawley, of Connecticut, as the speaker of the evening.

Late in the fall, he was again at his diversion of lecturing. He prepared a lecture on the war between France and Germany with its lesson to civilization. He delivered it, or his lecture on Lafayette, thirty-eight times between the middle of October and the opening of Congress in December, reaching west from Boston as far as Chicago, with his appointments, and netting himself from the proceeds more than seven thousand dollars. It was still his aim to meet the expenses of his home in Wash-

ington and the publication of his works without encroaching upon the principal of his modest fortune.

His purpose in this lecture on the Franco-Prussian war was to again urge the folly of all wars and the necessity of a policy of peace between nations. He urged as the first step towards this end, the complete disarmament of all civilized nations and the substitution of some peaceful tribunal for the trial of international controversies. He recalled the folly of the Emperor Napoleon III, in plunging France into this bloody war, thereby causing himself the loss of his crown and his country the loss of some of its fairest provinces, as illustrating the necessity of some better method of settling international disputes. The lecture recalls his early plea for peace, before the city authorities of Boston.

It so happened that the first measure that occupied his attention at the opening of the next Congress, was one of the troubles that grew out of our late war. It was an application to provide for the return of the Arlington estate to the family of General R. E. Lee and for the removal of the graves of the Union soldiers buried there during and since the war. Sumner opposed it vigorously in a speech in the Senate. He was with Secretary Stanton, when he made the order for the burial of the Union soldiers on this estate. The Secretary then told Sumner that he meant to bury the patriot dead there in perpetual guard over that ground so that no person of the family of Lee should ever dare to come upon it, unless to encounter patriot ghosts counted by the thousand." The application to return it had only four votes in its favor, while there were fifty-four against it. The purpose of the great Secretary has held to this day and the use to which he devoted this ground will probably never be changed. It is the largest, in the number of its dead and the extent of its grounds, of all the National cemeteries and, unlike the others, it is yearly increasing the number of its graves.

The prompt opposition of Sumner met the approval of Nast, the cartoonist, who published the Senator's picture in Harper's Weekly and sent it with his autograph to him a month later.

The author of the resolution was McCreery of Kentucky, in description of whom it was said that he had gained "prominence in his party by carefully preparing and accurately committing to memory, a political oration each year which he delivered at the Democratic convention of his state." Sumner said the resolution was a warning of the policy this party would inaugurate, "which would take the old Rebellion by the hand and install it in the high places of power."

These expressions, constantly occurring, show the deep interest Sumner felt at this time in the future of his party. He had stood by its cradle and seen it multiply in good works and in strength. With hardly concealed pride he now looked upon its position and thought how often he had been in the forefront of the battle for the great works accomplished, that were now recognized as its titles to honor and confidence. Little did he then think, as such things recurred to him, growing old and the habit of retrospection coming on, how soon the scene would change and the contemplation of this same party, in the hands of new men, and the stab at him would bring bitter thoughts of good deeds ill-requited.

President Grant was inaugurated March fourth, 1869. At the beginning of his administration he was attracted to projects of annexation. The revolution in Cuba first attracted him to that island, but friends of the administration prevented him from extending belligerent rights to the insurgents and withdrew his attention from this island. Then came the schemes for annexation, with which he was plied, on behalf of San Domingo. He had hardly been inaugurated, when Baez, the leader of one faction in San Domingo, approached him. This island had been torn with revolutions for many years. Prior to this time it had been divided and the black republic of Haiti occupied the western portion of the island, the other and larger part being occupied by that of San Domingo. The two rival chieftains of San Domingo were Baez and Cabral. Baez happened about the time of Grant's inauguration to be in authority. But his rival was hovering around the Haitian border, ready to depose him as soon as a favorable opportunity presented.

Realizing the uncertainty of his office, Baez came to Washington and sought the annexation of the country to the United States. He had previously made overtures to President Johnson and Secretary Seward, but had been referred to Sumner, as Chairman of the Committee on Foreign Relations of the Senate, who, after a patient hearing of his scheme, had declined to entertain it. Baez was a native of the island, but of Spanish descent, who had all his life been an adventurer, conspirator and trickster, without patriotism and supremely selfish in all his schemes in connection with his country. Under favor of the successful general in one of the revolutions of Dominica he had obtained an election to the Presidency, but scheming to retain it beyond the constitutional limit of his term, he had been driven from office by an uprising of the people. His country being reannexed to Spain, his allegiance was purchased by a Major-General's commission in the Spanish army. This

being lost by another revolution, he again sought and obtained the Presidency, but was driven from it in less than a year, by another popular uprising, on the ground that he was not the free choice of the people, but was imposed upon them by an armed force. His rival was elected and Baez then came to Washington to see Johnson and Seward. Not succeeding, two years later, he engaged in another revolution and was again successful in reaching the supreme authority. But knowing the uncertain tenure by which it was held, he now sought to sell out to President Grant.

General Grant was untried in civil life and was more open to his arguments than Johnson and Seward had been. He entered upon a negotiation, which became one of the best known of his administration, regretted, perhaps, as much by his friends as his enemies. In July, 1869, he sent General Babcock, one of his private secretaries, to San Domingo, ostensibly to inquire into the condition and resources of the island. His printed instructions did not contemplate more. But Babcock, in fact, went farther and negotiated two treaties, one for the annexation of San Domingo and another for the lease of the bay and peninsula of Samana. They were both concluded on the twenty-ninth day of November, 1869. President Grant afterwards approved what he had done, though Babcock's printed instructions did not authorize his action.

On this mission Babcock was accompanied by two war-ships of the United States. The one in which he sailed was under orders to furnish him every attention and facility in the performance of his duty and the moral support of its guns. The other was placed at his disposal.

Showing the unfitness of Babcock for such duties, he signed his own name to the protocol, entitling himself "Aide-de-camp to his Excellency General Grant, President of the United States of America," there being no such official, civil or military known to the government. The protocol had the further very unusual provision in it that "his Excellency, General Grant, President of the United States, promises, privately, to use all his influence in order that the idea of annexing the Dominican Republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment." In other words the chief magistrate of a great nation was committed to the use of his private influence with other high officials to procure them to ratify a treaty of annexation. The suggestion is apparent that he had gone too far. The President should have been left to the conscientious discharge of his high duties and the others allowed an equally

conscientious discharge of theirs, untrammelled by pressure from any source.

In a letter of Babcock, announcing the conclusion of the treaties for the annexation of San Domingo and the lease of Samana, to Lieutenant-Commander Bunce of the United States vessel *Nantasket*, he wrote: "In this negotiation the President has guaranteed to the Dominican Republic protection from all foreign interposition during the time specified in the treaties for submitting the same to the people of the Dominican Republic,"—a guaranty the President had no right to make. Babcock further made the statement that, for this purpose, the Secretary of the Navy had been directed to place three armed vessels in the harbor of San Domingo, subject to his (Babcock's) instructions. He accordingly wrote that he would raise the United States flag on the island and leave a guard with it, and he directed Bunce to use all his force to carry out to the letter the guaranty of the President, if he found any foreign intervention threatened. Bunce was further directed to inform any people intending intervention that such a step would be regarded as an unfriendly act towards the United States.

No treaty having been ratified by the Senate, this of course meant a taking of military possession of Dominica by the President of the United States, without any warrant given him to do so. The President was virtually making war upon Dominica, without the consent of Congress, which alone, under the Constitution had the power to declare war. Only the inexperience of President Grant can explain and atone for these unauthorized acts done in his name and afterwards approved by him.

Two months later, on the twenty-ninth day of January, 1870, Rear Admiral Poor was directed by the Navy Department to proceed from Key West, Florida, with two United States warships, the *Severn* and *Dictator* to Port-au-Prince in Haiti and inform the Haitian authorities that the United States Government was determined to protect the existing government of Dominica, with all its power, then to proceed to Dominica and protect it against any power attempting to interfere with it, to then visit Samana and see the United States authority secure there and if the Haitians attacked Dominica, with their ships to destroy or capture them.

Here was an open confession of possession taken, by the United States, of Dominica and a threat against the Black Republic of Haiti if it interfered with this possession, and an active war movement of the Secretary of the Navy under instructions from the President to support both.

On February ninth, 1870, the Navy Department issued an order to Commodore Green of the ship *Congress*, with an armament of fourteen nine-inch guns and two sixty-pounders, saying that, while the treaty was pending, the United States agreed to sustain the Dominican people against their enemies in the island and in revolution against the lawfully constituted Government and commanding him to resist any attempts by its enemies to invade its territories by land or sea. Of course this was a declaration to sustain the tottering supremacy of Baez. The threat against the invaders of Dominica *by land* could only be against the Black Republic of Haiti. There being no other government on the island, there could be no invasion by land, except from its territory. Baez, a little later confessed his own weakness, by notifying Rear-Admiral Poor, that if annexation was delayed it would be absolutely necessary for him to call upon the United States Government for aid. The Rear-Admiral a little later reported that to protect the Dominican Government he had found it necessary to send armed vessels to different parts of the island, one to the north-west, one to Puerto Plata, one to Samana, one to San Domingo. Lieutenant-Commander Bunce went so far as to threaten foreigners in the island, that, if with their aid any one hostile to the Dominican Government should get possession of Puerto Plata the naval force of the United States would retake it, though the foreigners might be the greatest sufferers.

This was an altogether unjustifiable interference with the affairs of peaceable and friendly neighboring nations. It was all confessedly done, at the instance and under the authority of President Grant. No one now attempts to assert, that, in it all, he acted from any dishonest or unworthy motive. Sumner never claimed that he did. The President sincerely believed, that, in the acquisition of this territory, with its product of sugar and coffee and the home it would furnish to a portion of our black population, great advantage was to be derived from its annexation to our country. He clung tenaciously to the scheme and only relinquished it, when hopelessly defeated during his Presidency; and he recurred to it again, as if to remove every suspicion of insincerity on his part, in those last pages of his Memoirs written under the very shadow of death. But Sumner did believe that he was acting without authority and that he was making a wholly improper use of the machinery of the Government that was placed under his immediate control and that he was entirely mistaken as to the value of the island. Sumner was likewise thoroughly convinced of the insincere character and selfish purposes of Baez, who

was expecting to reap a large pecuniary benefit to himself although he was only maintained in power by the President and was therefore able to give nothing for what he was to receive.

The negotiations were secretly conducted and Sumner did not know of their existence, until they had been in progress for six months. The first intimation he had of them was from the President himself. It was during the holiday recess of Congress, at the close of the year 1869. He was seated one evening at table in his own house, in Washington, with two friends, J. W. Forney of the Philadelphia Press, and Ben Perley Poore, another journalist, when the President called. His voice was recognized by Sumner, who went to the door and returned with him to the table. The guests made a movement as if to leave, but were motioned to remain, by the President, who took a seat with them at the table. The whole party went together, in a few minutes, from the dining-room to the library adjoining. President Grant introduced the subject by alluding to certain new treaties already negotiated. He showed his inexperience in Congressional proceedings, by referring to Sumner several times as chairman of the Judiciary Committee, adding that the treaties would come before the Judiciary Committee and that he, therefore, wished to speak with him on the subject. He then commenced an explanation of the treaties. After he had proceeded some length, Sumner not wishing to commit himself on the treaties and having a letter from his friend J. M. Ashley, who had recently been removed from his place as Governor of Montana, of which he wished to speak to the President, changed the subject to that and after a few words, read a portion of the letter to him, when, thinking the President was becoming restless and that he was perhaps pursuing the subject too far, in his own house, he stopped and the President again reverted to the treaties. The talk about the treaties was very general and left on Sumner's mind no very defined idea of what they contained and gave no information of the character of the negotiations. Sumner was, therefore, cautious in committing himself. His answer was, as he distinctly remembered it: "Mr. President, I am an Administration man and whatever you do will always find in me the most careful and candid consideration." The President shortly after left the house.

This conversation became important, for it was afterwards claimed by the President and his friends, that Sumner then gave assurance that he would support the treaties and afterwards disappointed the President by opposing them. But this conclusion of the President was probably born of his inex-

perience in such matters. To one familiar with the caution of public officers, in expressing themselves upon matters that are yet to come before them officially, for determination, it would seem very improbable that Sumner would commit himself to the support of treaties that he had not even read. He had then been in the Senate for twenty years and for ten of them he had been chairman of one of its most important committees, the one having the first consideration to give to treaties and the first disposition to make of them. He was noticeably careful and independent of Executive control. Even before his entrance to public life his associations had been for many years with attorneys and judges, among whom the impropriety of such a premature expression would have been obvious and well understood. Sumner would have been the last, from whom such an expression could have been expected, and the conclusion from the evidence of those present is irresistible that he did not give it. When chided afterwards in the Senate with having said such a thing to President Grant, Sumner's answer was: "Never! He may have formed this opinion, but never did I say anything to justify it; nor did I suppose he could have failed to appreciate the reserve with which I spoke." And he again reiterated the statement he did make and said he was positive in his recollection of it, because it was early fixed in his mind.

Sumner first saw the treaties on the day following the call of the President at his house. They were brought to him by Babcock and were soon after sent to the Senate where they were referred to the Committee on Foreign Relations. When they were first laid before the committee, it was apparent there was a large majority of it against them. Only one member, Morton, said anything in their favor. Before they separated Sumner expressed the hope that nothing be said, by the members, of the talk in the committee and that no vote be taken at that time. Seeing the feeling of the committee, he wished that nothing be done which could be construed as hasty or unfriendly towards the Administration. Sumner had promised the President that they should have a careful and candid consideration, and he did not for several weeks express any opinion about them in the committee. He did not then know how the President had set his heart upon annexation, but he wished if the treaties were to be rejected that there should be as little friction as possible in doing it and that it be done after a quiet and respectful consideration, believing that such a way of doing it would be the most agreeable to the Administration. He afterwards, in the Senate, appealed to his colleagues on the committee, to say whether his course there had not been above criticism, patriotic,

as well as always just and considerate towards the President. And there was no one to question his claim that it had been so.

The report of the committee, as has been foreshadowed, was adverse. It was presented by Sumner as chairman. On the thirtieth day of June, 1870, the Senate also rejected them by a vote of twenty-eight to twenty-eight, a vote of two-thirds being required to ratify them. Sumner was not in favor of annexation and indeed the sentiment of the Senate had been for some years opposed to the acquisition of territory to the South. Slavery had pressed such acquisition so long and so far, as a means of extending its territory and increasing its votes in Congress, that it had developed a settled opposition in the North to expansion in that direction. Sumner shared in this feeling. Indeed annexation would not have had the vote it did, except for the subserviency of some Senators to Executive influence. Many Senators from the South then held their places by a very uncertain tenure and looked to the President to provide places for them when their terms were ended.

But there were other reasons why Sumner was opposed to annexation. He was the champion of the colored race in the Senate. For many years he had battled hard to abolish slavery and establish for this race complete equality in civil rights. The island of Haiti was peopled by the colored race. The western part of it was occupied by the Black Republic of Haiti. It had been an object of tender interest to Sumner for many years. In 1862, he had carried, in the Senate, a resolution acknowledging her independence and he also secured the passage of a bill to authorize the appointment of a Minister to the Republic. In both instances he encountered and overcame a determined opposition. He was not willing that this experiment of the black race in self-government should be destroyed. Though this was not a direct destruction of the little republic, it was only reasonable to conclude that this result would certainly follow the step that was proposed. Two powers so unequal in strength as the United States and Haiti could not be expected to long occupy the same island, and the prediction was freely made during the discussion that the annexation of the one would be speedily followed by the absorption of the other. It was very natural for Sumner to develop a strong opposition to a measure that promised such results.

But he did not anticipate the strength of the feeling, in its favor, with President Grant. Such schemes had been easily taken up and as easily put aside, during the administration of both Johnson and Lincoln. Sumner anticipated nothing more now and supposed that the matter, being gently treated by the

Senate, in its rejection, would disappear and nothing more be thought of it. But in this he miscalculated.

General Grant was surprised and chagrined at the action of the Senate. He was so thoroughly convinced of the importance of the acquisition that he was not prepared for its rejection and was inclined to attribute the result to improper motives of those who opposed him. And here he made another mistake, which afterwards caused additional feeling among those who differed from him sincerely and felt that he had been already making an improper use of the Navy. Notwithstanding the rejection of the treaty, the protection of the Navy was still continued to Baez. One naval officer in that service expressed the opinion that the withdrawal of our support would be followed by a revolt against him. Baez himself, seeming to realize this, asked the presence of our ships at different points on the island and they were sent. So that the opponents of annexation believed he was continued in power by the President.

This was the situation when at the opening of Congress in December, 1870, the President recurred to the subject again in his Message and apparently with renewed confidence. He had extravagantly predicted that the territory would yield all the sugar, coffee, tobacco and tropical products, the United States would consume, and could furnish us these articles of everyday life at cheaper rates than ever before, would aid materially in correcting the balance of trade against us with foreign nations and aid us in the race for greatness with other countries. He now predicted that, as soon as it was known that the United States had abandoned the project of annexation, a free port would be negotiated for, in the Bay of Samana, by European nations, and a large commercial city would spring up there, to which we would be tributary, without corresponding benefits. This and other calamities, he thought, would flow from the failure of annexation. He therefore recommended that he be authorized to appoint a commission to negotiate a treaty for the acquisition of the island.

This at once opened the whole subject up anew and caused an explosion of the pent-up feeling, with which Members had regarded the action of the President and the use made of the Navy, after the rejection of the project of annexation, six months before. So intense was the opposition, that the President's friends did not even discuss the measure he recommended, but contented themselves in their effort to satisfy him with a much milder substitute. On the twelfth of December, 1870, Morton, of Indiana, offered, in the Senate, a resolution empowering the President to appoint three commissioners to

proceed to San Domingo and inquire into the political condition of the island, its agricultural and commercial value and report to the President. The commissioners were to receive no compensation, but their expenses were to be paid and a secretary was to be provided for them. Even to this there was vigorous opposition, in both the Senate and the House.

Four days after the receipt of the President's message, Sumner offered a resolution in the Senate calling for copies of all instructions to any agent, consul or naval commander of the United States with their reports, and of all treaties or protocols, relating to the annexation, and asking for an account of the debts of the Dominican Government and for any information in the possession of the Administration to show that any European power intended to acquire a foothold there. Thus far he had not discussed annexation publicly. In the secret session of the Senate he spoke temperately against it; lying in the tropics and peopled by the blacks, of right belonging to them, he believed that they should be encouraged to hold it and complete their experiment of self-government, already begun in the island. He made only a passing reference to the unlawful use that had been made of the navy in the waters of the island, while the negotiations were pending. He had contented himself with a respectful and quiet, but firm, opposition to the measure. His attitude as well as his influence and leadership had, however, been well known to the President and much effort had been made to convert him before any vote was taken.

The agent of the President who undertook to accomplish his conversion was Secretary Fish. He had repeated interviews with Sumner on the subject, in which he, urgently and at length, argued the question with him, at his house in Washington. Sumner found Fish at first seemingly indifferent personally, but inclined to accommodate the President. As the interviews progressed, Fish's interest increased. Sumner argued that he and the President were both wrong, that Baez was corrupt, that his country was weak and that instead of taking advantage of these circumstances they should encourage and assist the blacks in an effort to improve their condition and that when the question came up for consideration in the Senate he could conscientiously pursue no other course. Finding him determined, Fish finally at one of their interviews, protracted late into the night at Sumner's house, shortly before the vote was taken, said to Sumner that if he felt in this way, why not leave the Senate? "Why not go to London? I offer you the English Mission. It is yours." Surprised at this offer of the

Secretary of State, Sumner simply answered, "We have a Minister there who cannot be bettered." Thus early was it indicated that the English Mission, then held by Mr. Motley, would depend upon the result of annexation. Sumner still argued that it was wrong and that if the President insisted upon him pressing it, he should refuse; and resign his place in the Cabinet, rather than do it. But Fish answered that he felt differently, that he had taken office under the President and felt obliged to further his wishes and, moreover, that General Grant, by his personal influence, had carried the election for the Republicans and that they owed something to him in return.

The substance of these conversations was of course communicated to the President, by his Secretary, and when, at last, the vote was taken and the treaty rejected, the full measure of his resentment became apparent. The next day Mr. Motley was removed from his place as Minister to England. This was at once recognized as a thrust at Sumner, for Motley was a resident of Boston and had been approved, for the place, by Sumner. The indignity of the act as a punishment for mere Senatorial independence of Executive control was afterwards sought to be concealed and explained away by the Secretary, when its impropriety and unfairness had become a matter of public comment. It was then said that Motley's recall was owing to the death of Lord Clarendon, the English Foreign Secretary. But the Philadelphia correspondent of the London Times had foreshadowed the removal as about to happen, in his dispatches to his paper, two days before his Lordship's death and when it was entirely unexpected. It was also said the recall was owing to Motley's position on the Alabama question. But the Secretary had already expressed his satisfaction with the Minister's position and besides, these negotiations had been transferred to Washington, so that the Secretary could act as one of the American Commissioners and the Senators, who would have to ratify any treaty made, could be conferred with, during its progress. Therefore the Alabama claims question had already, for other causes, been taken out of the English Minister's hands. The cause for Motley's removal was so apparent, that the attempt to conceal it only made its unpardonable character more apparent and it has passed into history as one of the mistakes of Grant's Administration.

The renewal of the contest for annexation by the President in his Message to Congress, naturally found Sumner in no humor to abandon his position. Some words spoken by the President and Babcock, showing a disposition to call Sumner to account for his action, did not improve the feeling between them. In-

deed Congress regretted the return of the President to the question after the decisive defeat he had sustained in June. But if the question had to be met again there was some disposition to meet and dispose of it promptly. Sumner sought to secure an early consideration of his resolution, asking information from the Departments. But there was a disposition to conciliate the President by appointing a commission to investigate the condition and value of the island and hence that was taken up for consideration first. Sumner opposed it and on December twenty-first, spoke against it. He spoke without manuscript and only from a few notes, but with some earnestness, reminding his hearers of the old-time fire he had shown in his anti-slavery speeches before the war. As might have been expected, he used some expressions that grated on the ears of the President and his friends, and that it would have been better to omit.

He said the resolution committed Congress "to a dance of blood," and was "a new step in a measure of violence." He referred to Baez as "a political jockey" and to his partners in the scheme, Cazneau and Fabens, as "two other political jockeys" and the three together as "a precious copartnership", who had seduced into their firm a young officer of ours, who entitled himself "Aide-de-camp to his Excellency, General Ulysses S. Grant, President of the United States of America", pausing to play on this pretentious title, inquiring if any one knew of any such officer appearing anywhere under the Constitution, the statutes or in the history of the Republic, until the appearance of Babcock. He commented on his protocol, binding the President "*privately to use all his influence*" with Congress to accomplish annexation. He referred to one of our Commodores, acting under instructions from the Administration in threatening Haiti, in terms not calculated to conciliate General Grant, when he said: "In what school was our Commodore raised? The prudent mother, in the story, cautioned her son to take care never to fight with a boy of his own size." He drew a parallel between annexation as attempted and the Kansas-Nebraska Bill and the Lecompton Constitution, under President Pierce, by which it was proposed to introduce slavery into Kansas, against the will of her people. And he continued the parallel, when he spoke of Grant's rumored effort to secure the ratification of the treaty of annexation, by changing the membership of the Committee on Foreign Relations as in like-ness to the removal of Douglas from his committee, at the instance of President Buchanan, when serving the slave power. Counsel the President he said "to shun all approach to the ex-

ample of Franklin Pierce, James Buchanan and Andrew Johnson." He quoted from one familiar with the island, to show that to receive it from Baez, while its most numerous, intelligent and wealthy citizens, the leading men of the country, were in prison, in exile or in arms against him and having no voice in the transfer would result in terrible disaster. "No prudent man buys a lawsuit," he said, "but we are called upon to buy a bloody lawsuit." And he again protested "against this legislation as another stage in a drama of blood."

Some of these are strong expressions. But Sumner felt strongly upon this question. He was contending against what he felt was a great wrong threatened, against the improper exercise of authority, against a powerful and determined adversary—backed by the patronage of a great office. In such an unequal contest, powerful weapons had to be used or defeat was certain. All of the expressions that were objected to at the time have been given as well as the others, to which exception could be taken, that the reader may be able to judge, whether the President's subsequent conduct was justified or not.

These were only heated expressions thrown off in the course of the speech. The body of the speech was a vigorous argument against the proposed measure. He argued that it was intended to commit Congress to annexation, for the President already had power to appoint agents to visit foreign countries and a secret service fund provided, with which to pay them. So that if it was only information that was desired, the President already had the means of procuring it at his disposal. He enumerated instances when other Presidents had appointed these agents, informally called Commissioners, to obtain information which was afterwards communicated to Congress. He expressly declined to discuss whether the territory was desirable or what were its resources or its debts. But he discussed at length the nature of the negotiations thus far, and the improper means used to maintain Baez in power against the will of the people of Dominica, the want of authority of Baez and Babcock to negotiate a treaty or protocol and the improper character of the one they had negotiated and signed. He argued and cited authorities to prove that our ships had no right in the waters of the island until a treaty had been ratified by the Senate. He objected to their presence there as a menace to the independence of the Black Republic of Haiti and dwelt on the part of the President's Message which proposed to annex the island. This would include of necessity the territory occupied by the Haitians. He showed that this territory had already been threatened by our navy. It would be in vain, he

urged, to set forth commercial and material advantages to accrue, when right and humanity were thus sacrificed. The island, he said, belonged to the colored race by right of possession and by tropical position and it was our plain duty to aid and protect them, in an independence there, which was as precious to them as ours is to us.

At the close of Sumner's speech, the Senate adjourned till evening and then the debate was renewed. All night long it continued and Sumner's speech was the subject of varied criticism. Chandler charged him with going over to the Democratic party and with having violated a pledge to support annexation, given the President a year before. Nye charged that he was opposing an inquiry to discover the true worth of the proposed possession and he and Morton insisted that he had assailed the President and had made an unfavorable comparison between him and other Presidents. Conkling foreshadowed the purpose of the friends of the Administration to remove him from the chairmanship of the Committee on Foreign Relations. In the midst of this onslaught, Thurman, from the other side, quietly reminded them that the Senator they were now dismissing from their party, had stood alone in that body in 1850, and that since then, sixty had come to follow implicitly his leadership. To the charge of Chandler that he had not kept faith with the President, Sumner answered, giving the interview as it has already been narrated in these pages. He denied the claim, made by Nye and Morton, that he had assailed the President and insisted that he had alluded to him as little as possible and never except in strict subordination to the main question, that he had only put the case upon the facts and he asked again, whether Baez was not maintained in power by the arms of the United States. A running debate also occurred between him and other Senators, particularly Edmunds, who showed some feeling. At last, at half past six in the morning, a vote was taken, thirty Senators being absent. The resolution was carried by a vote of thirty-two to nine. After some debate it was also passed by the House, but not until it was amended so as to declare that Congress was not to be considered by this action as committing itself to annexation. The Senate concurred in the amendment, Sumner voting for it.

Under this resolution the President appointed Benjamin F. Wade, of Ohio, Andrew D. White, of New York, and Samuel G. Howe, of Massachusetts, as Commissioners to visit San Domingo and report upon the condition of its people, their disposition toward annexation, the resources of the country, its debts, etc. A place on the Commission was offered to Professor

Agassiz, but he declined out of deference to his friendship for Sumner, then Dr. Howe was appointed and accepted. Sumner predicted that, feeling under obligation to the President, they would only report favorably to his views. It is interesting to remember, in this connection, the names of those who were so prompt to quarrel with Sumner for *assailing* the President, as they called it, in his speech on this resolution. Their names will all soon appear again. Whether they were real friends of the President or were simply actuated by motives of self-interest and a desire for patronage, the reader must judge. The language of Sumner, which they complained of, has been given and also his prompt disavowal, on the same day, of any intention to assail the President. Doubtless they were just as prompt in communicating to the President the *vindication* they had given him. The President was displeased.

Sumner, however, still kept his attention fixed on annexation. He pressed his resolution, calling for information, reports and copies of instructions, to a vote; and on January ninth, 1871, it was taken up and passed. On February 15, another resolution, calling for additional information, was also passed.

The hard work, the excitement and worry of this contest with the Administration, the manifestations of displeasure he received, accompanied by threats of removal from his place as Chairman of the Committee on Foreign Relations, were too much for his strength. A cold attended with some throat and lung trouble, from which he had suffered from the beginning of the winter, had depleted his system. To a friend he wrote that he felt weary and old and disheartened at the course of the President. But he struggled on with his duties until February eighteenth, when he was compelled to yield. For a week he was unable to attend the sessions of the Senate. He suffered a return of his old trouble, a result of the assault by Brooks, the first he had experienced for several years. It was an affection of the heart and chest, *angina pectoris*, attended with sudden and severe paroxysms of pain, necessarily dangerous. It was the same trouble that, a few years later, caused his death. The illness was severe and caused anxiety to his friends and drew from many of them expressions of sympathy.

A new Congress met on the fourth day of March, 1871. One of the first duties of the Senate was the assignment of the Senators to places on the Committees. The Republican members being in the majority these places were disposed of in a caucus of that party. The slate being there fixed, was easily carried, at the meeting of the Senate, by the vote of the Republican

members. As the prominence and usefulness of a Senator depended very much on the place he occupied on the Committees, there was naturally rivalry between the members for good appointments, the best places going to those of longest experience and greatest prominence. Sumner had for twelve years been a member of the Committee on Foreign Relations, one of the most important, and for ten of these years he had been its chairman. This Committee had assigned to it the business of the United States with foreign nations that came before the Senate, such as treaties, claims, the settlement of disputed boundaries, the annexation by purchase or otherwise of new territory. Just at this time the work of the Committee promised to be of unusual prominence on account of the pending *Alabama* and San Domingo troubles. Owing to Sumner's long experience with the work of the Committee, his familiarity with international law and his extensive foreign travel and acquaintance, its duties were congenial to him and he naturally desired and expected to be continued in the place he had so long occupied. The chairmanship of a committee had certain privileges with it which he valued, the use of a committee-room, where he could meet people in the Capitol privately, and the clerk of the committee to assist him with correspondence and other public business. The character of both the room and the clerk depended a good deal on the prominence of the committee.

In the Republican caucus called to make the assignments for the committees, Sherman of Ohio, Morrill of Vermont, Howe of Wisconsin, Nye of Nevada and Pool of North Carolina were appointed to draft a list. Of these, the two oldest and ablest Senators, Sherman and Morrill, were for the retention of Sumner in his place, to which he was entitled according to usage of the Senate, which did not make changes except for cause. But the other three led by Howe were in favor of a change, giving Sumner's place to Cameron of Pennsylvania. The chairman of the caucus, Anthony of Rhode Island was for the retention of Sumner and expected that the Members appointed to draft the list, would so arrange it, but he was disappointed in Howe. Cameron while entitled to the place by seniority of service on the Committee, if a vacancy was created, had little of desire or fitness for it. But he was on intimate terms with the President. It was proposed to place Sumner at the head of a Committee on Privileges and Elections, a much less important committee, in fact created for the exigency and for whose duties Sumner had little qualification and still less taste.

When the list was read in the caucus, as thus reported, Sumner was not altogether taken by surprise, for his removal had

been threatened by Administration Senators and predicted by others, for three months, as the result of his opposition to annexation. But he did not expect it. He spoke briefly. A flood of memories seemed to crowd upon him, as he felt himself parted from his old place where, during the long years, he had stood with so much pride. He saw the work well done, many of the difficult questions of the Rebellion settled, war with England and France narrowly averted, the purchase of Alaska accomplished, the Johnson-Clarendon treaty rejected, the *Alabama* claims still unsettled, on which he had spent infinite labor and rendered such signal assistance to the State Department, and to his country, in moulding public opinion at home and abroad. And he saw, instead of this place, a chairmanship of a committee on privileges and elections offered to *him*, to whom the only politics known, was an honest, laborious and brilliant discharge of his duties, so that he never needed tricks and questionable combinations, but carried his own elections by great waves of popular approval. Was the alternative offered, intended to insult and injure him? Gathering his robes of honor about him, he called the dead, Lincoln, his martyred friend with whose inauguration the place had come to him, Douglas, Collamer, Fessenden, all gone, his "associates, able and eminent Senators," "to testify if he had ever failed in any duty, of any labor or patriotism." He declined the proffered place and left the caucus. From that day, to the day of his death, Senator Sumner had no prominence in the Senate or before the country as chairman of any committee, nor even a place on any committee; he had no committee-room, as a convenience, and no clerk of a committee as a needed help, in the discharge of his public duties.

Mr. Blaine for long years a Member of Congress, for a time its Speaker, a Senator, a Secretary of State, later a candidate for President and the leader of the Republican party, speaking of this act twelve years later, when he knew its unpopularity with the American people of all parties, said: "The opening of the forty-second Congress, on the fourth of March, 1871, was disfigured by an act of grave injustice committed by the Senate of the United States. Charles Sumner was deposed from the chairmanship of the Committee on Foreign Relations,—a position he had held continuously since the Republican party gained control of the Senate. The cause of his displacement may be found in the angry contentions, to which the scheme of annexing San Domingo gave rise. Mr. Sumner's opposition to that project was intense, and his words carried with them what was construed as a personal affront to the President of the

United States,—though never so intended by the Massachusetts Senator. \* \* \* Never was the power of the caucus more wrongfully applied. \* \* \* For his fidelity to principle and his boldness in asserting the truth at an earlier day, Mr. Sumner was struck down in the Senate Chamber, by a weapon in the hands of a political foe. It was impossible to anticipate that fifteen years later, he would be, even more cruelly, struck down in the Senate by the members of the party he had done so much to establish. The cruelty was greater in the latter case as anguish of spirit is greater than suffering of body. In both instances Mr. Sumner's bearing was distinguished by dignity and magnanimity. He gave utterance to no complaints, and silently submitted to the unjustifiable wrong of which he was the victim."

If it were intended to add indignity to the wrong, a better time could not have been chosen. The Joint High Commission, for the settlement of the matters in difference between the United States and Great Britain, had just entered upon the consideration of the *Alabama* claims in the City of Washington. Sumner had first aroused Great Britain to a sense of her danger and liability on account of these claims, when, as chairman of this committee, presenting an adverse report on the Johnson-Clarendon treaty, by a speech making a powerful presentation of our case, he foreshadowed its prompt rejection by the Senate. He had made a careful study of the case and confessedly understood it better than any man in Washington. His speeches upon it had been carefully read and studied by Englishmen. And now he, who was expected to take a prominent part in the settlement of it, who had a wider acquaintance in Europe than any man in the Senate, whom the Commissioners from Great Britain all knew by his reputation abroad, was removed from his official position in the settlement of it and discredited. They were given notice, that, so far as the Administration could control the situation, he was to have nothing farther to do with it. It must have wounded him deeply to reflect that these Commissioners, two of whom had brought letters to him from foreign friends and one other, whom he knew by kindred studies, were witnesses of his humiliation. What news of it would they carry back to their homes and to his friends and to those, who, for his speeches on these claims, had turned from him as "an enemy of England" and were "grievously disappointed" and for the first time were "silent when he was spoken about?"

The action of the caucus committee in displacing him was not to go unquestioned. Schurz, sitting near Sumner at the

time, demanded to know the reason for the change. Howe, who had read the assignments, answered that the *personal relations* of the Senator to the President and his Secretary of State, were such as to preclude all social intercourse between them. Schurz immediately answered denying the correctness of this statement.

A brief explanation of the excuse, thus given by Howe is necessary. Motley, in his valedictory to the State Department had alluded to the rumor that he was removed from the English Mission, on account of Sumner's opposition to the San Domingo treaty. Secretary Fish had written a letter, signed by himself and afterwards laid before the Senate, in which, after denying that this was the cause for Motley's recall, he then went entirely out of his way to vilify Sumner, saying:

*"Mr. Motley must know, or if he does not know it, he stands alone in his ignorance of the fact, that many Senators opposed the San Domingo treaty, openly, generously and with as much efficiency as did the distinguished Senator to whom he refers and have nevertheless continued to enjoy the undiminished confidence and the friendship of the President,—than whom no man living is more tolerant of honest and manly differences of opinion, is more single or sincere in his desire for the public welfare, is more disinterested or regardless of what concerns himself, is more frank and confiding in his own dealings, is more sensitive to a betrayal of confidence or would look with more scorn and contempt upon one who uses the words and the assurances of friendship to cover a secret and determined purpose of hostility."*

This letter was dated December thirtieth, 1870, and was laid before the Senate, and thus became a public document, in January, 1871. The passage quoted is a direct, unprovoked and insulting reference to Sumner. It contains a covered charge that his opposition to the San Domingo treaty was not open and generous and that he had hypocritically used the words and assurances of friendship to cover a secret and determined purpose of hostility toward the President, whose confidence he had betrayed. It was written and signed by Secretary Fish who had entered the Senate about the same time Sumner did, with whom from that day he had sustained intimate relations of friendship, visiting him in his home in Washington, in New York and at his country seat on the Hudson, who had been entertained by Sumner at his home in Washington, and who had recently been welcomed, with unconcealed satisfaction to the State Department and who had

already received, at his own request, much assistance in the work of that office from Sumner. It was written of Sumner, who by a long, uninterrupted and able career in one of the highest National offices, had already become one of the historical characters of his generation, whose whole life had been above every suspicion of dishonesty and peculiarly wanting in every imputation of indirection, hypocrisy or malice. It was written under such circumstances that it became and will always remain one of the public records of the country, Executive Documents 41 Cong. 3 Sess. Senate p. 36. It was so unexpected to Sumner that, between its date and its publication he had on one occasion dined and on another called at Fish's house. Sumner did not know of its existence until his attention was called to it by others.

For a time Sumner said nothing, hoping the Secretary would make some friendly explanation or apology for the wrong done him. Receiving none he felt, upon farther reflection, that he could not longer continue their former friendship. Fish evidently anticipated such a result, for shortly after the letter became public, wishing to advise with Sumner about a resumption of negotiations with England over the Alabama claims, instead of going directly to Sumner, as their previous relations would suggest, he sent Senator Patterson to Sumner to see how he would receive him. Sumner replied that should the Secretary come to his house he would be at his service for consultation on public business, but that he could not conceal his sense of personal wrong received from him without reason or excuse. The Secretary came and there was a free and full conference about the public business, but no mention of private matters. Two days later at a dinner given by Mr. Schenck, the successor of Motley, Sumner did not recognize Fish socially.

At this time there had been no break with the President. He was probably, as rumor said, displeased with Sumner's opposition to the treaty. But Sumner intended no break and recognized none.

From this brief statement of the facts, it will be seen that there was nothing in the relations of Sumner, to either the President or his Secretary, to in any way affect his discharge of the duties of Chairman of the Committee. When this reason was given by Howe, Schurz promptly answered for Sumner, that he had not refused to enter into any official relation with either. So that this must have been merely a pretext. Wilson and Schurz both insisted that the real reason was Sumner's opposition to annexation and because he had differed from the President and Secretary on that question and they argued

that a Senator had a right to differ from a President, a Secretary or any other officer, that Senators were nobody's servants, and Wilson added: "I love justice and fair play, and I think I know enough of the American people to know that ninety-nine hundredths of the men who elected this administration in 1868 will disapprove this act." Trumbull, Logan and Tipton also spoke earnestly in the caucus against the change. Howe and Nye while supporting it agreed, and no one else claimed otherwise, that Sumner had always discharged the duties of the place ably, and that it was not intended to charge him with unfaithfulness in the past. Such men as the two Morrills, Ferry, Wilson, Fenton, Sherman, Windom, Logan, Trumbull and Schurz voted against the change. But Conkling, Carpenter, Chandler, Edmunds and the Southern Senators were its active supporters. Of the Senators from the States lately in rebellion, of the carpet-bag class, who came in with the years immediately following the grant of a vote to the colored people, ten were for the change and only three against it,—a difference sufficient to change the result. On the motion to recommit the list to the committee, with instructions to report a list with Sumner as chairman of the Committee on Foreign Relations the vote was twenty-one for it and twenty-six against it.

The next day another caucus was held and a motion to reconsider the question of recommitment was made and debated, but it was lost by a vote of twenty-one to twenty-three,—a gain of three. When the list, as reported, was moved in the Senate, Schurz made a motion to postpone the question, hoping that time and reflection would prevent the wrong. Another debate followed. Schurz shamed the opposition for subservience to the President and justified Sumner for resenting the insult contained in Fish's letter. Wilson attributed the whole movement to Sumner's opposition to annexation, and demanded to know why the Senate of the United States should be influenced by the feeling of the President or Secretary for any such cause. Logan characterized it as "a surrender of the independence of the Senate." Sherman declared it "unjustifiable, impolitic and unnecessary." Trumbull said he had stood by Sumner "when he was stricken down by slavery and he stood by him now when stricken down, by the party he had done as much to create as any living man." The Democrats opposed the change. Bayard suggested that the name of the committee should be changed from committee on *Foreign* Relations to Committee on *Personal* Relations. But this motion to postpone was also lost, as well as a motion to adjourn. The decree had gone forth for Sumner's

removal and it was to be obeyed. The motion to adopt the report of the committee was carried, the Republicans, feeling the obligation of the action of the caucus, either voting for it or refraining from voting at all. But, as if nothing should be wanting to complete the unusual character of the scene, the Democratic members of the Senate all recorded their votes against this unjust action.

Sumner took no part in any of the proceedings. There had been no suggestion, that in the past he had been wanting in the discharge of any duty as chairman of the Committee. On the contrary his enemies admitted that, with his relations to the President and his Secretary different, he would fill the place better than any other Senator. With this record, he felt he could afford to be silent. When Fish volunteered to make the unprovoked assault on him that was made, in the letter already quoted, Sumner prepared a statement of his personal relations with the President and his Secretary, intending at first to make it the basis of a speech in the Senate, but upon farther reflection and consultation with friends decided to make no reply even to this letter. The statement was, however, put in print and a few copies of it placed in the hands of personal friends, marked, "Unpublished,—private and confidential,—not to go out of Mr.—'s hands." He was repeatedly pressed afterwards to publish it, but his answer was that he would not do it, for personal vindication merely, and that as to Mr. Motley he thought the matter stood well enough before the public. After his death, however, a friend to whom one of the copies had been intrusted, believing that justice to his memory required its publication, gave it to the press. It has since been included in the collected edition of Sumner's Works.

The removal was unpopular, because it degraded a man eminent in the public service and of deservedly high standing; and it also established a dangerous precedent. If the President, by the possession of the public patronage, could enter the Senate and remove a Senator from his place on one of the most important Committees, for a mere refusal to vote for and sustain a favorite measure of the Executive, then Senatorial independence was at an end and the usefulness of one department of the government was seriously crippled. No other cause for the removal ever existed. But to the public this was manifestly insufficient and others were trumped up that were not thought of or mentioned at the time. They originated, several years after Sumner's death, with Secretary Fish and his assistant J. C. B. Davis, each probably impelled by a desire to improve his own record. They were in substance that Sumner did not, as

chairman, promptly report or move forward treaties referred to his Committee and that he was expected to be an obstacle to the negotiations with Great Britain over the *Alabama* claims. An investigation showed they were without foundation. If treaties were not reported or pushed forward, complaints would have been made. This was a matter that other Senators and other members of the Committee could complain of and correct. But there was no such complaint against him. His associates, when appealed to since, have declared there was no ground for such a complaint. And the express disclaimer of any dissatisfaction with his past conduct of the work of the chairman, made by those who sought his removal, in the debates over it, should have prevented such a claim being made after his death. Farther answer need hardly be made to the assertion that Sumner was expected to be an obstruction to the negotiations with Great Britain, than to recall the reader's attention to the use that had already been made, by the Secretary, of Sumner's superior qualification for that work. If the suggestion had been made by him, with others, that a cession of Canada might be one of the results of the negotiations, it should be remembered also, that he had always insisted that this possession must never come to us, except by peaceable agreement, and with the consent of her people. And if mere expectations are to control in estimating a man's qualifications for a position, the most fanciful reasons, that the wildest imagination could devise, might be urged against any man's selection.

It is interesting to note what became of the leaders of this movement in the Senate and how much it profited them. Howe, Nye and Pool, the three members of the committee of the caucus who voted for the report, as well as Carpenter who spoke longest in its favor, all failed of re-election. Conkling another of its prime-movers, and who also spoke for it, received one re-election, only to quarrel, with both of Grant's successors, in the Presidency, Hayes, and Garfield, about patronage. He finally in a pique over the appointment of a collector for the port of New York, resigned his office, and asked a re-election, was refused, and then disappeared forever from the field of politics. Edmunds, coming from a state, remarkable for the length of service extended to her Senators, continued on the stage some years longer, always disappointed in his ambition for promotion, and then retired. From this list the inference would be, that, even in high places, it is best always to do what is right. The Executive favor, if they acquired any by this act, did none of these men any permanent good.

It still remains to be told what became of the other part of

this controversy, the scheme for annexing San Domingo. This can be done in a few words. The resolutions introduced by Sumner and passed by the Senate, calling for documents in the State and Navy Departments, relative to annexation, resulted in making public a good deal of information about the employment of the Navy in the waters of the island pending the negotiations. On the twenty-fourth of March, 1871, Sumner offered in the Senate, a series of resolutions, calling for the withdrawal of the Navy and condemning its use, to maintain Baez in power, while the negotiations for the sale of his country were pending, as in violation of the rights of the people of the island, of our constitution, and of the principles of international law. They disavowed the indignities already shown the Republic of Haiti. In support of these resolutions, he spoke at length, in the Senate, three days later. It was sought by Conkling to prevent any farther discussion of the question, but Sumner under a ruling of the Vice-President overcame the obstruction and obtained the floor. The news of his intention to speak had gone out and a crowd, estimated at two thousand people, was present to hear him. It was expected, after the provocation he had received and his well-known interest in the subject, that he would show some severity towards the Administration. In this, however, they were disappointed. He confined himself to a discussion of the facts as shown by the dispatches, naval orders and reports which were now printed and made public. It was a carefully prepared argument to show that the President, in sending the ships to Dominican waters to intimidate the people in both parts of the island, had exceeded his authority. He criticised the President for coming to the Capitol, in his zeal for annexation, to importune Senators to vote for the treaty; and for assembling them at the White House for the same purpose. "Who can measure," he asked, "the pressure of all kinds by himself or agents, especially through the appointing power, all to secure the consummation of this scheme?"

Once he drew the temper of his audience, when he declared, that if the President had bestowed one-fourth of the time, money, zeal, will, personal attention, personal effort and personal intercession, which he had bestowed on his attempt to obtain half an island in the Caribbean Sea, our Southern Ku-Klux would have existed in name only, while tranquillity would have reigned everywhere within our borders. Whereupon the audience burst into applause and the Vice-President was compelled to threaten to clear the galleries to restore order.

The Commissioners, Wade, White and Howe, appointed by the President under the previous joint resolution of the Senate

and House, to visit the island, were conveyed there, in a United States war-ship, there being several newspaper men in their party. They remained on the island, making observations and gathering information, from January twenty-third to February twenty-eighth, 1871. As Sumner predicted they made a report friendly to the President, but much milder than the views he had expressed. They agreed that the island could furnish sugar, coffee and other tropical products needed for our consumption and that the example of the free labor there would tend to abolish slavery in the other West India Islands.

The report was communicated to Congress, by the President. In the accompanying message, he became personal. He said the mere rejection of a treaty only indicated a difference of opinion between the Senate and President; but when the rejection was accompanied with "charges openly made of corruption on the part of the President or those employed by him, the case was different. Indeed, in such case the honor of the nation demanded investigation". He also referred to the "acrimonious debates in Congress" and "unjust aspersions elsewhere" and added, that "no one could perform the duties of President, without sometimes incurring the hostility of those, who deemed their opinions and wishes treated with insufficient consideration" and added that if the President had the approval of his own conscience, he could "bear with patience the censure of disappointed men". These were all well understood at the time to be references to Sumner. They show the feeling of the President towards him and the treatment he could be prepared to expect from his Administration. But they were unfair. Sumner had not charged the President with corruption. He had never questioned the integrity of the President's motives. But he believed he was not well informed of the physical or political conditions in the island, that he was not properly advised in these duties of his office and that he was being imposed on by political adventurers at home and abroad. He was determined, without counting nicely the cost to himself, to prevent the consummation of the scheme; and he did.

The President having at the hands of the Commission received such vindication as their report furnished, declared that his connection with the subject and all his solicitude for it was ended. Indeed, he could hardly do otherwise, for it was now apparent that neither the Senate nor the House could be induced to join him in it.

## CHAPTER XLI

### GRATITUDE OF HAITI—THE CIVIL RIGHTS BILL—SALE OF ARMS TO FRANCE—LIBERAL REPUBLICAN MOVEMENT—SPEECH AGAINST GRANT—SUMNER AGAINST HIS RE-ELECTION

THE annexation of San Domingo was regarded by the Haitians as threatening the independence of their Republic and they showed in several ways their appreciation of Sumner's efforts to defeat it. On July thirteenth, 1871, the Haitian Minister at Washington placed in his hands a medal from the President and other distinguished citizens of the Republic, accompanied by a letter in which they said that "by his eloquence and his high morality, he had made free four millions of blacks in the United States", but insisted that great as this work was, it was still more to have protected and defended the independence of Haiti on two solemn occasions and to have thus affirmed the aptitude of the black race for civilization and self-government. In replying to the letter Sumner said that self-government implied self-respect and that in clinging to national life not only for the sake of their own Republic but as an example to their race there would, if successfully accomplished, be a triumph for the black man everywhere, marking an epoch in civilization. He felt it, however, his duty to decline the medal because of the provision in the Constitution forbidding any officer of the United States to accept a present from a foreign State. It was thereupon given to the Commonwealth of Massachusetts and was afterwards deposited in the State Library at Boston.

A year later on the occasion of the Haitian Minister going to Washington he carried from the President of his Republic a letter gratefully acknowledging the service of Sumner to their country. Sumner was then in Europe and it did not come to his hands for some time and then it remained unanswered for several months longer, owing to his sickness. In his reply, dated on the anniversary of our National independence, July 4, 1873, he said that in history the crime against the African race would stand forth in terrible eminence, always observed and never forgotten; and apparent in its true character just in proportion as civilization prevails. And he predicted that with

increasing light the denial of equal rights, on account of color, would not escape the judgment that had already been awarded to slavery itself. The same year the Republic, in recognition of his services, ordered a full length oil portrait of him, the last likeness painted from life. It represents him speaking in the Senate and is considered one of the best portraits of the Senator. It now hangs in the Senate Chamber of the Haitian Capitol at Port-au-Prince.

An incident occurred as the Commissioners appointed by the President were returning from San Domingo that attracted some attention at the time and was afterwards used by Sumner in the debates for equal rights. Frederick Douglass, under the provisions of the joint resolution providing for the Commission, had been appointed Secretary to the Commissioners. This was the only salaried officer provided for in the resolution. As the mail steamer of the Potomac River bearing the Commissioners on their journey from San Domingo, was approaching Washington, Douglass was refused, by the officers of the vessel, a place at the supper table, with the Commissioners, nor was he invited to dine with them at the White House when they were entertained, by the President, three days later. Douglass was the leading colored man of the country, one of the most eloquent men of his generation, and his exclusion solely on account of color, at a time when there was so much agitation of the race question, could not fail to provoke remark.

In May, 1870, Sumner introduced a bill to protect all persons in their civil rights. It was referred to the Judiciary Committee and was held by it till a few days before the close of the session and then was reported on adversely. On January twentieth, 1871 Sumner introduced it again and with the same result. On the opening of the next Congress, March ninth, 1871, Sumner introduced it again and, remarking that it had twice been adversely reported on, did not ask a reference of it to the committee, but gave notice that he would do what he could to press it to a vote. Not succeeding, however, at that session, he brought it up again at the next and a few days later he moved it as an amendment to the pending Amnesty Bill, providing for the removal of the disability imposed in the Fourteenth Amendment upon those who as National or State officers had taken an oath to support the United States Constitution and had afterwards engaged in the Rebellion. This disabled them from holding any office, State or National, until the disability was removed by a two-thirds vote of each House of Congress. In the debate that followed, he insisted that the two should go "hand in hand," that he "remembered too well the

fires over which we had walked in the latter days not to know that reconciliation was impossible except on the recognition of equal rights." He insisted that the door of the public inn, of the theatre, the railroad car, the school, the church and the cemetery should be open by law to the colored man, the same as to the white. As an illustration he introduced in his argument the case of Frederick Douglass, already mentioned. While he had never sought the punishment of any one, he said, he rejoiced to know that the Rebellion had closed without the sacrifice of a single human life, by the civil power, as he had predicted it would early in the war. He now insisted upon this measure of justice to the colored race. He reminded Senators "that higher than any beauty in art or literature was the beauty in relieving the poor, in elevating the down-trodden and being a succor to the oppressed, that there was true grandeur in an example of justice, making the rights of all the same as our own and beating down prejudice, like Satan under their feet."

Although now broken in health and feeling the weight of years, never did the persistency of Sumner come out more fully than in the conduct of this bill. It was humorously referred to, during the debates, by Senator Flanagan, of Texas, "I am reminded," he said, in referring to Sumner, "that it is best to get rid of the imposing Senator, just as the lady answered her admirer. The suitor had been importuning her time and again and she had invariably declined to accept the proposition. At length, however, being very much annoyed, she concluded to say 'yes' just to get rid of his importunity. I want to go with the Senator to get rid of this matter, because, really, Mr. President, we find his bill here as a breakwater. A concurrent resolution was introduced here for the adjournment of Congress at a particular day. Well, you saw that bill thrust right on it. 'Stop!' says he, 'you must not adjourn until my bill is passed.' There it was again; here it is now; and we shall continue to have it; and I am for making peace with it by a general surrender at once."

During one of the debates on the bill, a passage occurred between Sumner and Senator Carpenter who was objecting to the equality proposed in the churches. Carpenter insisted Congress had no right to interfere and he asked Sumner whether it would be constitutional to enact that in no church should the Host be exalted during divine service. Sumner promptly answered that Congress could not interfere with any religious observance, but that he was not proposing to interfere with it, that all he asked was complete equality before the law,

in the inn, on the highway, in the school, the church, the jury and in cemeteries, the last resting-place of the dead. He insisted that if the church were to be incorporated and protected by law, they should not be allowed to insult a fellow human being on account of color.

"The Senator," he said, "steps forward and says: No! \* \* \* You listened to his eloquent, fervid appeal. I felt its eloquence, but regretted that such power was employed in such a cause. I said that, consciously or unconsciously, he had copied Petroleum V. Nasby's hymn.

'Shel niggers black this land possess,  
And mix with us up here?  
O, no, my friends; we rayther guess  
We'll never stand that 'ere.'"

Nasby's letters were favorites with Lincoln and Sumner. Both recognized the part they performed in abolishing slavery and aiding reconstruction. Sumner wrote an introduction for a permanent edition of them, in which he said that coming periodically and enjoying an extensive circulation, each letter was like a speech or one of those songs which stirred the people.

A motion to strike out the provision in the Civil Rights Bill as to churches was afterwards carried. Thus amended, Sumner's motion to make it a part of the Amnesty Bill was carried by the casting vote of Vice-President Colfax. But when this bill, in the amended form, came to a vote it failed to receive the two-thirds vote required to pass it. Democrats, opposed to the Civil Rights provision, voted against the Amnesty Bill containing it. Sumner introduced it again and one night when the Senate was holding a night session to consider the Ku-Klux Act, and when he was obliged to absent himself from the Senate on account of sickness, Chandler, taking advantage of his absence, had it passed in a greatly modified and unsatisfactory form, leaving out the requirement of equality in juries and in the public schools. Spencer, of Alabama, protested that it was unfair to Sumner to thus act on his bill, in his absence, and tried to secure an adjournment, but failed. A messenger was then sent to Sumner's house for him and he arose and dressed and hurried to the Senate to enter his protest, but he was too late. This bill, however, failed in the House. But the Amnesty bill with which Sumner had sought to associate it was passed. The next session Sumner was unable to attend the sessions of the Senate on account of sickness; but on the first of December, 1873, he introduced it again, leaving out the provision as to churches, which had been voted out by the Senate.

Sumner felt a deep interest in this bill. With it passed, he said that he could retire from public life and feel that his life-work for the equality of the colored race was accomplished. When it had been made a part of the Amnesty Bill by the casting vote of the Vice-President and there seemed to be a well-grounded hope for its passage, he wrote Longfellow: "I am weary, and often say, How much longer must this last? I have been gratified by the success of the Civil-Rights Bill. I begin to believe it will become a law; then will there be joy. Very few measures of equal importance have ever been presented. It will be the cap-stone of my work. Then, perhaps, I had better withdraw, and leave to others this laborious life."

The bill did become a law, after Sumner's death, but was subsequently held unconstitutional, by the Supreme Court, on the ground that it was an invasion of the rights of the people of the States, in their purely domestic relations,—a result that had been predicted during the debates by Morrill (Me.) and Carpenter. Sumner, in his zeal for equal rights, sometimes overlooked such considerations. An illustration of it was given in this debate, when in reply to Morrill he said: "I insist that the National Constitution must be interpreted by the National Declaration. I insist that the Declaration is of equal and co-ordinate authority with the Constitution itself." This position, it need hardly be added, could not be approved, by lawyers generally.

In 1872 Sumner moved an investigation that further tried his now broken health and strength. The Franco-Prussian War having commenced, the United States had promptly issued a declaration of neutrality. A sale of the large supply of arms, accumulated during our recent war, had been taking place. At the breaking out of the European war and the declaration of our neutrality, these arms were being sold to Remington & Sons, of New York. They were discovered to be agents of France. Further sales to them were forbidden by the War Department, but the sales were continued to others, apparently connected with the Remingtons, and the arms were still going to France. Sumner was not willing to see the spirit of neutrality thus violated while its letter was being upheld,—especially while negotiations for indemnity were in progress between the United States and Great Britain, for similar infractions. He introduced a resolution providing for a committee to investigate all these sales. An acrimonious debate ensued, Sumner and Schurz alone speaking for it, but Conkling, Carpenter and several others opposing it. Sumner's health was not equal to the work, and Schurz, at his request, took the lead

in the debates. The resolution carried. But a committee was selected of those who had opposed it. Neither Sumner, nor Schurz, was accorded a place on the committee. Sumner filed two protests against the committee as thus constituted and refused to appear before it to testify. He placed his refusal on the ground that the committee was thus improperly constituted and on the further ground that what information a Senator acquired should be privileged just as the information is, that is acquired by a member of the grand jury. The committee did not seek to compel him to testify, but hushed up the investigation. The Prussians did not promote it or complain of the sales, Bismarck significantly remarking, when his attention was called to it, that it was cheaper to capture the arms on the Loire, than to purchase them in Washington. The investigation, however, such as it was, stopped the further sale.

It was the tone of the Administration of President Grant, as revealed in such transactions, that went far to create the want of confidence and dissatisfaction, that was felt at the close of his first term. Sumner had vigorously protested against it in the San Domingo scheme and had been made to feel it, in his removal from his committee and in the recall of Motley. He was dissatisfied with the Administration in other ways. He was not alone in this feeling of dissatisfaction. It was becoming widespread among Republicans. The question was frequently asked, what would be Sumner's attitude toward Grant's renomination? Except to his intimate friends, he maintained a discreet silence upon the subject. He hoped that Grant would not be a candidate and there was some foundation for this hope; for those close to him, at the time of his first nomination, had published, apparently by authority, and certainly without contradiction, that he was in favor of limiting the President to a single term. But as time passed it became apparent that this hope was not to be realized. Grant's friends were pressing his claim for a renomination. Sumner then determined to defeat it if he could, though he appreciated the force of the precedent in favor of a second term and likewise the power which the patronage of the office gave the incumbent.

Schurz and Trumbull, fellow Senators, both very near friends, had already communicated to Sumner their determination to oppose Grant's re-election. Senator Fenton, of New York, was also dissatisfied. For four years he had been the recognized leader of the Republican organization in New York. Horace Greeley was his candidate for the nomination for Governor, in 1870, but he was defeated in the convention by Stewart L. Woodford, under the rising leadership of Roscoe

Conkling, as it was claimed by the use of Federal patronage. Greeley was among the disaffected. And his paper, the New York Tribune as well as the Chicago Tribune, the Cincinnati Commercial and the Springfield Republican, four of the most influential of the hitherto Republican dailies of the country, were opposing him. The list of disaffected included such men as David Dudley Field, of New York, Colonel McClure, of Pennsylvania; Stanley Matthews and George Hoadly, of Ohio; Governor Brown and Joseph Pulitzer, of Missouri; Cassius M. Clay, of Kentucky; George W. Julian, of Indiana; F. W. Bird, a very near friend of Sumner, of Massachusetts, and David A. Wells, of Connecticut. More than any other, perhaps, Schurz was entitled to be called the guiding spirit of what has been known as the Liberal Republican movement of 1872.

It originated in Missouri in 1870. That State had not seceded, but many of her citizens had become Confederates. These Confederates had been disfranchised by an amendment to the State Constitution and now that the war was closed they asked that this disability be removed. But the Legislature was Republican and the party divided upon this question. Schurz and Brown headed a minority that united with the Democrats and removed the disability. It was a movement that had already been foreshadowed by Greeley, when, in 1868, he advised the Democrats to nominate Chief Justice Chase, on a platform of amnesty and suffrage. Such a course he believed would go far to heal the differences created by the war and be a great aid to reconstruction, even though it did not succeed. This advice had made a deep impression at the time and with the growing dissatisfaction over President Grant's course, it had gathered strength in the intervening years.

The Liberal State Convention of Missouri issued a call for a National Convention to be held at Cincinnati on May first, 1872. As the party had no organization elsewhere, it necessarily partook of the character of a mass convention. Everybody went who would and to equalize the representation, those present selected the delegates from their number to represent their respective States. Stanley Matthews was made temporary and Carl Schurz was the permanent chairman. Both, in their speeches on taking the chair, emphasized the personal and military character of the Administration of President Grant. Each protested that they were still Republicans and that it was only the perversion of the office to the personal purposes of the President and of a few of his favored lieutenants, in controlling States, that led them to take this step. Charles

Francis Adams, of Massachusetts, Horace Greeley, of New York and Lyman Trumbull, of Illinois, were the leading candidates for President, and, on the sixth ballot, Greeley was nominated. B. Gratz Brown, of Missouri, was nominated for Vice-President.

Sumner did not attend the convention and had not committed himself to the movement. He was very loath to leave the Republican party. Around it gathered the political associations of a long public career, now, as the condition of his health warned him, drawing to a close. For many weeks he had been the target for rival influences. On the one side were many party associates, in public life, who knew the value and the extent of his public labors, the worth to the party of that high moral character, for which he was widely known—such men as his colleague in the Senate, Henry Wilson, who had done what he could to avert the wrong Grant had done him and had been constant in his endeavors to heal the breach thus created. They were anxious to retain Sumner in the party, and preserve harmony. On the other side was the peculiar private following of friends of a lifetime—such as F. W. Bird, who held no public station, sought in politics only the good of his fellow-men and, who was leaving the party because of the injury done Sumner and the degradation, as he thought, of the public service under Grant. They urged him to go along with them.

Some weeks before the convention, it was given out, that he would be present and preside over its deliberations and make a speech. This was promptly denied. He was spoken of as its candidate for President, but he gave it no encouragement. His name was not brought up or voted on in the convention, because his friends there knew he would not permit it. It was apparent he was not the man to lead such a movement. For its success, it would have to depend on uniting the Democrats. Sumner could not do this. His whole career for the destruction of slavery and for the equal rights of the colored people had been antagonistic to them and he could not hope to be acceptable to the Southern States. The logical candidate was Charles Francis Adams, who had been absent from the country as Minister to Great Britain, during the war and who led the vote on each ballot in the convention till the one on which Greeley was nominated. But it is not likely that the movement would have succeeded with any candidate. Great as the dissatisfaction was, and certainly with reason, it was not for cause sufficiently grave nor so widespread as to overcome the force of established precedent for two terms and Grant's great war record.

Sumner was in close touch with the leaders of the movement and he furnished a draft of the platform. It was carried from Washington to the convention by F. W. Bird. It declared for equal rights, for emancipation and equal suffrage and against any reopening of the questions settled by the Amendments to the Constitution. With the tariff there was trouble, as might naturally be expected, when it was sought to unite in the same party men of such pronounced opinions and so widely separated as Horace Greeley, who had been a lifelong protectionist and had written a book, much of it in support of his position, and Democrats who had always stood for free trade, or a tariff for revenue only. The leaders of the movement, those who called for it, created it and were the strongest in support of it, the Missouri Liberals, the delegates from New York, Ohio, Illinois and the New England States were generally protectionists. There was a sharp contention over it in the convention, but it was finally harmonized, in the only frank way apparently possible, by agreeing to disagree. A plank was adopted remitting that subject to the people in their Congressional districts and to Congress free from Executive interference,—a position that Sumner afterwards declared was the most candid expression on the subject ever made by any convention of his time. The platform demanded the immediate and absolute removal of all disabilities imposed on account of the war; and it was this plank, with that on the abuse of the civil service under Grant, that were mostly urged, by its supporters, in the campaign which followed.

For three months after this convention, Sumner maintained a reserve as to what course he would pursue. To one urging him on the subject, he wrote: "I shall not speak until I can see the whole field and especially the bearing on the colored race. I mean to fail in nothing by which they may be helped; therefore all stories as to what I shall do or shall not are inventions. \* \* \* But I seek two things: (1) The protection of the colored race, and (2) The defeat of Grant." He still hoped to accomplish the latter and thereby remove any occasion for a separation from his party. He was for some weeks engaged in the preparation of a speech against Grant, which he was determined to deliver in the Senate, on the first opportunity that presented itself. He had hoped to find an occasion, on the presentation of the report of the committee on the sale of arms to France. But that came in too late for a time to be set apart for its consideration. On the thirty-first day of May the Sundry Civil Appropriation Bill came up and Sumner seized the opportunity then afforded, in the closing

days of the session, and within a week of the assembling of the Republican National Convention at Philadelphia.

When Sumner obtained the floor and commenced to speak, there were only a few persons in the Senate Chamber. Routine business was being transacted and it was receiving little attention, for the night session of the previous day had continued until three that morning. The speech was entirely unexpected. As he continued and word went out that he had the floor and was arraigning the Administration, Senators sought their seats, Members of the other House came in and the galleries filled. Schurz was there, listening attentively, with sympathetic interest, to what was said; Conkling was there, too, feigning a proud indifference. For a while he sat apparently meditating what answer, as leader of the Administration forces, he could make. Again, with the air of one who considered what was said unworthy of attention, he stood in a group on the floor within a few feet of the speaker noisily conferring with Senators Morton and Carpenter, of the same ring, until called to order. Some Members of the Cabinet were there and heard him charge that two, perhaps three, of this "official family" had received their appointments in apparent return for gifts made to the President. Some of his "military secretaries" were there and learned that one Senator, at least, thought their place was in the camp and not in the Council Chamber. While some delegates to the approaching convention, on their way to Philadelphia, discovered that they had stopped off at the Capitol, unexpectedly to learn some new things about the candidate they were intending to support. For three hours he held the attention of his audience easily to the end, and the Senate then adjourned.

The speech was destined to be the last, as it was one of the best of those great efforts, like his *Crime against Kansas*, his *Barbarism of Slavery*, and for the *Purchase of Alaska*, made by Sumner at varying intervals on the floor by the Senate, that placed him in the front rank of parliamentary orators. It has hardly its equal in kind in the English language. A speech like it would not be made in Europe; and in America it never was. It finds its likeness in those efforts of Demosthenes, striving to rouse the dying energies of his country against the aggressions of Philip. Sumner was full of his subject; it had occupied his thoughts for many months and he spoke as one weighing well his words, appreciating the consequence to himself and yet determined to speak the whole truth plainly and without fear. In reviewing the speech afterwards, Blaine said, "Sumner sought to challenge and prevent the renomination of

General Grant by concentrating in one massive broadside all that could be suggested against him."

At the beginning, as if to leave no equivocal impression of his position and show that it was the man and not the party he fought, that he abated not one jot of his principles, he said: "Mr. President:— I have no hesitation in declaring myself a member of the Republican Party, and one of the straightest of the sect. I doubt if any Senator can point to earlier or more constant service in its behalf. I began at the beginning, and from that early day have never failed to sustain its candidates and to advance its principles. For these I have labored always by speech and vote, in the Senate and elsewhere,—at first with few only, but at last as success began to dawn, then with multitudes flocking forward. In this cause I never asked who were my associates or how many they would number. In the consciousness of right I was willing to be alone. To such a party with which so much of my life is intertwined, I have no common attachment. Not without regrets can I see it suffer; not without a pang can I see it changed from its original character, for such a change is death. Therefore do I ask, with no common feeling, that the peril which menaces it may pass away."

He spoke of the pretension of the President, in defiance of all law, treating for the annexation of San Domingo, pledging his personal influence in support of it, surrounding the country with ships of our navy to terrify it into submission, threatening the republic of Haiti; and then reading a Senator out of the party because he dared in his place in the Senate to protest against such high-handed measures. Such personal government, he insisted, was unconstitutional and unrepromulgated; it was one-man power elevated above all else. He argued that one always a soldier could not later in life become a statesman, that preparation for each was needed, that their characters were different, that, unlike Washington and Jackson, whose training had been civil as well as military, Grant, whose training had been exclusively military, was in fact, as shown by his Administration, unfitted for the Presidency.

He then passed to two typical proofs of Grant's unfitness—Nepotism and Gift-Taking—wherein he had converted the Presidential Office into a personal instrumentality. One list, he said, placed the number of persons related to the President by blood or marriage, holding office of the Government, at forty-two; it was conceded there were thirteen; no one of whom but for the relationship, would have had his place. He argued that thus a pernicious example of kingly rule was being introduced almost for the first time into our Republic. Gift-taking,

without precedent, was likewise being introduced, he said; that at least two, perhaps three, members of the Cabinet had been repaid for gifts, by their appointments, thus subordinating the public service to personal considerations and he instanced the notorious case of Murphy, maintained at the head of the New York Custom House and another at the head of the New Orleans Custom House for similar reasons. He admitted that the President had a discretion in the appointment of his Cabinet, but it was a constitutional discretion, to be regulated by the interest of the country and not by mere personal will, that men must be selected, qualified for the place, not as A. T. Stewart of New York for Secretary of the Treasury, of no experience and disqualified, by his interest as an importer under the law; or Borie for Secretary of the Navy, till then so unheard of, that the great Admiral Farragut, over whom he was placed in authority, was constrained to start the inquiry, "Do you know anything of Borie?" that Borie a little later confessed his disqualification and resigned; and Washburn, Grant's Congressman during the war, who was given the appointment of Secretary of State as a personal compliment, with the understanding that he would forthwith resign.

He spoke of the illegal "military ring" at the White House, Generals Babcock, Porter, Badeau and Dent, acting as Grant's secretaries and adding their military titles to the civil papers they signed. He said the President had "operated by a system of combinations, military, political, and even senatorial, having their orbits about him, so that like the planet Saturn, he was surrounded by rings—nor did the similitude end here, for his rings, like those of the planet, were held in position by satellites." He called attention to irregularities, in the War Department, whereby the Secretary himself was subjected in authority to military officers and in the Navy Department where the duties of an incompetent Secretary were devolved on Admiral Porter; and in the Indian Bureau, his effort to absorb it into the War Department and change its character as a part of the civil service, by detailing sixty army officers, "left out of their regimental organizations by the consolidation of regiments," for service there, until the abuse was remedied by an act of Congress.

Sumner dwelt on Grant's interference with elections, by troops at the poles in the South, and his endeavor to control conventions by the use of patronage in the North, of his disposition to quarrel with officials, who were not submissive to him; in the Cabinet, as shown by constant removals; in the Senate as shown by the interference with committees; in the

House and in the army. He said the ruler of forty million people had no right to quarrel with any one, because his position was too exalted ; it shocked the decencies of life and jarred the harmony of the universe. "Evidently," he said, "our President has not read the eleventh Commandment: 'A President of the United States shall never quarrel.'" But to Grant, he said, "a quarrel is not only a constant necessity, but a perquisite of office. To nurse a quarrel, like tending a horse, is in his list of Presidential duties." \* \* \* "Men take their places in history according to their deeds. The flattery of life is then superceded by the truthful record, and rulers do not escape judgment. Louis the Tenth of France has the designation of *Le Hutin* or 'The Quarreller' by which he is known in the long line of French Kings. And so in the long line of American Chief-Magistrates has our President vindicated for himself the same title."

He argued that with the adoption of all his Presidential pretensions the creed of the party ceased to be Republican and became Grantism, that it became no longer a political party, but a personal party. He could say he was no man's *man* nor did he belong to any *personal* party. He plead for a single term for the President, that all temptation to use the great influence of the office, for a re-election, might be removed and urged that the National Republican Convention might not be made another "Presidential Ring," a mere expansion of the "Military Ring" of the White House, the "Senatorial Ring" of the Senate Chamber and the "Political Rings" of the Custom Houses of New York and New Orleans. "A National Convention, which is a Presidential ring, could not represent the Republican Party."

"Much rather," he said in closing, "would I see the party to which I am dedicated, under the image of a life-boat not to be sunk by wind or wave \* \* \* I do not fear the Democratic Party, nothing from them can harm our life-boat. But I do fear a quarrelsome pilot, unused to the sea, but pretentious in command, who occupies himself in loading aboard, his own unserviceable relations and personal patrons, while he drives away the experienced seamen who know the craft and her voyage. Here is a peril which no life-boat can stand."

The speech created a sensation in the Senate. Soon after, Grant's friends gave Sumner notice that he was no longer in good standing with them. When he arose that evening, in the Senate, to claim a usual courtesy, he was curtly answered by Conkling that, after what had occurred, he must know that courtesy was no longer applicable there. Some brief impromptu

replies were made to the speech that evening. But it was desirable that a full defence of the President should be made on the floor of the Senate before adjournment, for it was realized that Sumner's speech, though he had not yet joined the Liberal Republican movement would become, as it did, the opening speech of the campaign against Grant. More time was needed to prepare to make answers to it and the day fixed for adjournment of the Senate was extended for a week, during which, extended replies were made by the President's friends. They were generally severe upon Sumner, Carpenter's and Chandler's being noticeably so; Logan's was the ablest. He dwelt on Grant's service to the country as a soldier, his stand for the payment of the Government bonds in gold and for the maintenance of a sound financial policy, subjects which Sumner had omitted and for which Grant was entitled to credit. Sumner's speech called out leading editorials in the daily papers. It was the first public declaration of his attitude toward Grant, and in the present unusual condition of political parties, with interests now excited by the approaching convention, many people who were accustomed to follow his leadership were waiting to learn what his position would be.

Upon the work of the convention it had little effect. It came too late to affect the nomination of Grant. The delegates were already chosen and generally were committed, to their constituents, as to the vote they would give; and they could not be changed now. Grant was nominated on the sixth day of June, without a dissenting vote.

The chief contest of the convention was over the nomination for Vice-President, between Colfax of Indiana and Wilson of Massachusetts. The former had early in the year announced that he would not be a candidate for renomination and the latter then appeared and had made much progress. So when Colfax reappeared in the field, shortly before the convention, he found a vigorous contest awaiting him. The result was close, but Sumner's colleague, in the Senate, was nominated on the first ballot. Owing to the now well-known opposition of Sumner to Grant, it was important to have the candidate for Vice-President in New England and this contributed to the success of Wilson.

The platform adopted, declared for complete liberty and equal civil rights for the colored people and the maintenance of all the recent Constitutional Amendments, thus upon the issues in which Sumner felt most interest, placing itself upon the same plane as the Liberal Republicans. The Democratic Convention met at Baltimore on the ninth day of July

and, accepting Greeley and Brown as their candidates, they adopted, without modification, the platform of the Liberal Republicans. Thus Sumner, though disappointed by the nomination of Grant, saw all the political parties united on the issue for equal rights of all men, of every color, for which he had waged such a long and persistent warfare.

The campaign opened with unusual promptness. Within two weeks of the adjournment of the Democratic convention, Conkling made the opening speech for the Republicans at Cooper's Institute in New York City. He had not made a reply to Sumner in the Senate but reserved it for this more elaborate occasion. Senator Sherman and other leaders took the field with equal promptness and before the end of the month the campaign had become general. The day after the Democratic convention adjourned, a considerable number of the leading colored citizens of Washington addressed a letter to Sumner, asking his advice as to the course they should pursue. He delayed an answer until July twenty-ninth and then in an open letter, after contrasting the relation of Greeley and Grant to the colored race, he advised them, as he expressed the purpose to do, to vote for Greeley. Two days later he was answered in an open letter by Speaker Blaine, arraigning him as recreant to both party and principle, in so advising colored voters. Sumner answered under date of August fifth in another open letter.

To this charge of personal recreancy, he answered with an honest burst of feeling, which revealed the cause of his own opposition: "The personal imputation you make upon me I repel with the indignation of an honest man. I was a faithful supporter of the President until somewhat tardily awakened by his painful conduct on the island of San Domingo, involving seizure of the war power in violation of the Constitution and indignity to the Black Republic in violation of International Law; and when I remonstrated against these intolerable outrages, I was set upon by those acting in his behalf. Such is the origin of my opposition. I could not have done less without failure in that duty which is with me the rule of life."

To the Speaker's reminder that he had now entered into company with Secessionists and with the confederates of his former assailant, Preston S. Brooks, he indignantly retorted: "What has Preston Brooks to do with the Presidential election? Never while a sufferer, did anybody hear me speak of him in unkindness; and now after the lapse of more than half a generation, I will not unite with you in dragging him from

the grave, where he sleeps, to aggravate the passions of a political conflict, and arrest the longing for concord."

Until near the middle of August Sumner remained in Washington, holding himself aloof from any further participation in politics, but plied with letters, some of them from Greeley and the leaders of the new movement thanking him for the stand he had taken, others pressing him to make speeches for the ticket in various States, others from old friends commenting variously upon his speech in the Senate. Some of them spoke approvingly, others in kindness differed from him. Even those differing from him generally agreed that his motives were good. To several friends, as with G. W. Curtis, of Harper's Weekly and Henry Wilson, his colleague, he expressed regret that he had not been able to bring them to his way of thinking. But there was no break between them. The situation was wearing upon him, growing old and almost sick as he was.

He was working long hours upon the edition of his Works. Life seemed to be passing and he was anxious to have this work completed. The twelve to fifteen hours a day he was devoting himself, in this way, to labor, was too much for one in his condition of health. It will be remembered that he had a serious sick spell, during the previous year, after his first speech against annexation; and again recurring symptoms during the last session, in the debate on the French Arms question; and he had been compelled at other times to seek the advice of a physician. He found his heart affected and quiet and absence of excitement necessary.

The hard lines in which his last days were cast were telling upon his personal appearance. The noble form appeared broken and its muscular elasticity was gone and his capacity for exertion seemed exhausted. Those who remembered him "standing sturdily upon their old platforms, almost arrogant in the consciousness of intellectual and physical strength, full of vigor and dilating with the courage of opinion, the Ajax about whom the young men of Massachusetts rallied for many a moral contest, and followed in the onset of many a forlorn political hope" saw sad changes in him now, that silenced the spirit of criticism and awakened only tender recollections of the great work he had undertaken and had performed so well.

On the evening of August ninth, 1872, the colored people of the District united to make his departure from Washington the occasion of a serenade. They gathered at his house, in number, one of the largest that had been seen in Washington for such a purpose, and Sumner being introduced by Dr. Augusta, one of their race, responded in a brief speech. He

reminded them that for the first time in our history all political parties were pledged to the equality of all before the law. Of the early passage of a Civil Rights Bill to relieve them from any exclusion or discrimination on account of color, he felt there was now no doubt. This, he added, was a strange contrast to their condition when he entered upon his public duties in Washington, more than twenty years before. Then slavery was in the ascendancy, giving the law to all the usages of life. Now the courtroom, the school-house, the horse-car and the ballot box were opened, never to be closed against them again.

Soon after he reached Boston, he was formally invited, by the Liberal Republican State Committee, to address a public meeting in Faneuil Hall. He had purposed to take no farther part in the campaign, but he felt he could not resist this new pressure from old friends at home. He prepared a speech for the occasion, but recurring symptoms of his old complaint caused him to hesitate at the attempt to deliver it. Death he did not fear so much; but he had been repeatedly warned that paralysis, accompanied by physical and perhaps mental disability, might be the result of his disease. The latter result he especially dreaded. At last he gave up his contemplated purpose of speaking in Faneuil Hall and handed the manuscript of his speech to the committee, with permission to publish it. It accordingly appeared in the newspapers, though it was never delivered.

In it he reviewed briefly the character of the two candidates, Greeley and Grant, and the reasons he had before urged for opposing the latter and dwelt at length on the question of granting amnesty to all the Confederates and the complete reconciliation of the North and the South. This was the new issue that was brought forward and was being pressed by the friends of the Liberal movement. Sumner while pressing for the destruction of slavery and for equal rights had never ceased to hope for a reunited country under better conditions.

Then by advice of his physician and near friends, to seek rest and avoid all excitement, he sailed for Europe on the third day of September, 1872, not to return until after the election. It was to be his last trip abroad.\* His speech appeared in the newspapers of the day after his departure.

\* The day before sailing he made his will giving, to Henry W. Longfellow, Francis V. Balch and Edward L. Pierce, as trustees, all his papers, manuscripts and letter books; and to them three thousand dollars to complete the publication of his works; to the library of Harvard College his books and autographs; to the City of Boston for the Art Museum his pictures and engravings; to his "friends of many years Henry W. Long-

Before he left, the result of the election in North Carolina, the first State to vote, and therefore the preliminary test of the drift of popular feeling, was known; it indicated the re-election of Grant. Before his return, the victory was complete and Greeley was overwhelmingly defeated. All of the Northern States and all of the Southern States, but six, voted for Grant. This crushing defeat was too much. Greeley turned from it to plunge anew into the work of editing *The Tribune*, where at least he had stood without a peer. But coming as it did after years of hard work and incessant care, following the strain of a heated campaign and only a few days after the death of his devoted wife, the heroic mind failed and his light went out. He died on the twenty-seventh day of the same November that witnessed his defeat,—only three days after Sumner landed on his return from Europe.

There were various causes for this result of the election. Grant was a tried man in the public service. His military record was a great one and the nation's gratitude for his success in saving the union was still warm. Shiloh, Vicksburg, Chattanooga and Appomattox were fruitful subjects for effective appeals during the campaign. Greeley's triumphs were all those of peace. Troubles in the Southern States were still feared and it was felt that the strong arm of the soldier was needed to hold the lawless elements there in check. During his first term, Grant had gained the confidence of the financial

fellow and Samuel G. Howe" his bronzes; to the daughters of Longfellow, two thousand dollars and a like amount to those of Howe and James T. Furness of Philadelphia 'in token of his gratitude for the friendship their parents had shown him'; to Hannah R. Jacobs only surviving sister of his mother an annuity of five hundred dollars for life; a 'provision for perpetual care of his mother's lot at Mount Auburn'; one thousand dollars to Harvard College for an annual prize for the best dissertation by any student "on universal peace and the methods by which war may be permanently suspended." And to this bequest he added: "I do this in the hope of drawing the attention of students to the practicability of organizing peace among nations which I sincerely believe may be done. I cannot doubt that the same modes of decision which now prevail between towns and between individuals, between smaller communities, may be extended to nations." All the residue of his estate, real and personal, he directed to be sold and the proceeds to be distributed, half to his sister Julia, and half to Harvard College, "for the benefit of the College library", 'his desire being that the income should be applied: to the purchasing of books relating to politics and fine arts.' He added "This bequest is made in filial regard for the College. In selecting especially the library, I am governed by the consideration that all my life I have been a user of books, and having few of my own, I have relied on the libraries of friends and on public libraries; so that what I now do is only a return for what I have freely received.' This will was the one admitted to probate after his death.

circles, by his stand against repudiation, in any form, and for the payment of the national debt in gold. He was considered a safe man upon these issues, that were still felt to be involved. On the other hand there was a want of confidence in Greeley. He was felt to be untried and of an experimental disposition. Some personal peculiarities, that were dwelt on by campaign speakers, heightened this impression of him. Such traits do not impress plain business men favorably. Another cause for the size of Grant's majority was the dissatisfaction of old line Democrats with the course of their party in taking up a Republican candidate. After they saw the tide was setting towards defeat, this class abstained from the campaign and even refused to vote.

The objections that Sumner urged against Grant were generally conceded, even by his supporters, but they were objections that appealed to a Senator or a Congressman, rather than to the plain people. His course towards San Domingo and Haiti was a mistake and indefensible. He had appointed too many relatives to office; and he had accepted gifts and had placed the givers in high positions in the public service; both in bad taste. He had appointed unfit men to office and permitted a favored few to control too much patronage, creating well-grounded complaints of the rings that disgraced his administration. He had shown a good deal of a disposition to do as he pleased, without considering much the feelings or the opinions of others, and if they opposed him to use his authority to displace them, as he had done in frequent instances with members of his Cabinet and with Sumner and his Committee; this was not with proper regard for the limitations of his own office or the rights of others. But all these things could be urged with little effect to a popular audience. It was much easier to arouse enthusiasm over the recollections of the war, when many of his soldiers were scattered through the audience.

Sumner provoked disagreeable antagonisms, by opposing Grant, which embittered the remaining months of his life. It separated him from his party. And it encouraged some friends of Grant within it, who were more than willing to exhibit their hostility in various ways, with the hope of thereby gaining new favor with their chief. It also deprived Sumner of an influence, within the party, that he might have easily exerted, notwithstanding all that Grant could do. Grant was only one of the party, though its leader; beyond him was the great Republican organization, which revered and honored Sumner and with whose principles he was in entire harmony. He should not have allowed one man to separate him from it. He

went too far, when he confounded Grant with the party, and for the sake of defeating one was willing to defeat both.

But on the other hand Sumner was never a politician. He felt that by supporting Grant a principle would be sacrificed. He believed that Grant had demonstrated his unfitness for the office and that having done so, he should not be returned to it. He thought Greeley was a better representative of Republican principles and that in his hands those principles would be safe. Hence he unhesitatingly followed the course that he believed at the time was right. How much this conviction was modified by farther reflection it is hard to determine. Later events indicate that both Sumner and the President regretted the length to which they were carried in the heat of their controversy. Both were great and good men and have deserved well of their country and have an enduring place in her history. And there is reason to believe Sumner afterwards felt that Greeley's success would in the end have subjected the nation to Democratic rule and to a ruinous reaction. At that time this would have been most unfortunate. Many good men thought they foresaw it and believing that Greeley, as President, could not prevent it, even though having confidence in him, they voted against him.

## CHAPTER XLII

### LAST TRIP TO EUROPE—THE BATTLE FLAG BILL—RESOLUTION OF CENSURE—SICKNESS

SUMNER reached Liverpool on the fourteenth day of September, 1872, after a voyage of eleven days. On the voyage he experienced his customary sea-sickness. It drew from him the remark that the sea was always a nuisance to him and he would never be content until it was filled up so that he could travel everywhere on dry ground. But he enjoyed comparative freedom from the pains of the heart and pressure on the brain, which he experienced in Washington and Boston. His thoughts on the voyage were saddened by the evidence of party ill-will he had experienced, at home, on account of his opposition to Grant. He could not claim generosity from old acquaintances, who had turned against him after enjoying favors at his hands, for he had only acted from a sense of duty in what he did; but he did claim justice and this he felt he had not received. For he said he never in his life acted under a more irresistible sense of duty, than in opposing annexation, which had brought him the anger of the Presidential rings, with the strange co-operation of some Massachusetts people, calling themselves his friends. Among these he counted Dr. Samuel G. Howe, who had accepted the place on the San Domingo Commission, when Professor Agassiz refused it, and William Lloyd Garrison, who had assailed him in his paper.

To his friend Edward L. Pierce, to whom he confided this feeling, he afterwards wrote from Paris, showing that it still haunted him: "I have had much occasion latterly to meditate on the justice and friendship of this world, especially when crossed by the mandate of political power. I know the integrity of my conduct and the motives of my life. Never were they more clear or absolutely blameless than now. But never, in the worst days of slavery, have I been more vindictively pursued or more falsely misrepresented."

On reaching Liverpool, he was subjected to a new annoyance, from his connection with the Liberal movement. He learned that while he was upon the ocean and without any previous consent from him, the Liberal and Democratic parties had nominated him for Governor of Massachusetts. The nomination



From a Photograph taken in 1873.

Father dear,  
Charles Sumner



was made for the purpose of attracting votes in the State to Greeley. Upon learning it, he, at once, telegraphed and wrote declining the nomination. He also wrote privately insisting that his declination must be respected. His name was accordingly taken from the ticket and that of his friend F. W. Bird substituted for it. The annoyance caused by this unauthorized use of his name, aggravated his sickness.

He had resolved, so far as he could, while he remained in Europe, to drive politics from his thoughts, convinced that it was provoking his troubles. He therefore ceased reading American newspapers entirely, during his stay abroad; and to remove himself still farther from touch with American affairs, he determined to leave England for the Continent and spend his time in Paris. He hoped, in this way, to separate himself as much as possible from all the turmoil and excitement from which he could find no escape at home; and, in quiet, find strength and recovery.

He was met on landing at Liverpool by the Secretary of the American Club and spent one day there in his company visiting some places of interest and then went directly to London, where he remained a week. Two days he gave to the British Museum and two more to the Bethnal Green Museum. The remainder of the time he spent visiting streets and buildings and seeing galleries and old friends. He was admitted to the Athenaeum Club, a favorite resort when he was in London. He found his friend William W. Story, the sculptor, son of Judge Story, spending the season with his family in England, near Carlisle, and Hugh McCulloch, the Secretary of the Treasury, under President Johnson, another old acquaintance, in London. Letters came from his English friends, Robert Ingham, inviting him to Newcastle and from the Duchess of Argyll asking him to Inverary, but he delayed, hoping to see them on his return from the Continent. He went on to Paris.

Sumner remained in Paris a month, mainly occupied with visiting galleries and places of interest and in collecting rare books and curios, for which he had a great taste, but not a very accurate judgment, as to their value. It was here that he first found real rest and physical improvement, by a complete diversion from affairs at home. He met the American Minister, Washburn, Morrison R. Waite afterwards Chief Justice, Ex-Governor Bullock of Massachusetts and others of his countrymen. He was especially indebted to Elliot C. Cowdin, a New York merchant, formerly of Boston, but now representing his house in Paris where he had his family and a residence. A place at his table was always ready for Sumner; and his friends

were invited to dine with him. Sumner was very fond of Mr. Cowdin's children and particularly of one, little Alice, who had, as he said, "so sweet a name." He met President Thiers, dined with him at the Palais d'Elysée, saw his friend and correspondent, the Count of Paris, and Gambetta. To the last, in conversation, he said, "you wish to found a republic in France without religion. I do not know your country well enough to express an opinion, but in America we would consider such an undertaking chimerical and doomed to certain defeat." At a dinner given him by M. de Corcelle he met Remusat, the Minister of Foreign Affairs and Gouland the Minister of Finance. Sumner spoke French fluently and was everywhere received with attention. An intelligent French gentleman wrote: "I do not believe that an American has ever made so great an impression in France." And this good impression was mutual, for Sumner left France this time, with a higher opinion of the French character, than ever before.

He left Paris on October nineteenth, returning to London by the twenty-sixth. He stopped on the way at Brussels, Antwerp and The Hague, at the latter place spending two days with Motley. He met Motley again at Mr. Sheridan's, Frampton Court, Dorchester, with other guests, among them the Queen of Holland, when Motley's little granddaughter was christened. He remained in London until the eleventh day of November, occupying his time in visiting private libraries and collections of antiquities and porcelain, among others being admitted to a private view of the porcelain and pictures of Buckingham Palace. In London, as in Paris, he made purchases of curios. Among other attentions which he received, Lord Granville came from Walmer Castle to London to entertain him at dinner, and Dean and Lady Stanley entertained him at breakfast, with William W. Story, at the Westminster deanery, the morning he left London. Lady Stanley was the sister of Sir Frederick Bruce, the British Ambassador at Washington, who died suddenly in Boston, in September, 1867. Sumner had cared for him, in his last hours, and superintended the arrangements for his funeral, he being the only acquaintance he had in the city. Sumner had been on cordial terms with the family for many years, but this breakfast was to be their last meeting.

From London, he went to visit the Duke of Devonshire at Chatsworth Castle and then to Rochdale to spend a night with John Bright. It was his last night in England. They sat up and talked together till after midnight, of the President and their trouble, of San Domingo and the offer of the mission to England, to quiet him, of London and its buildings and archi-

ture, of England and her people and her great men, of the many friends he had there, "how sorry he was to leave it, under a sad sense that he would visit it no more." His heart was still troubling him and there was a sadness and a gentleness noticeable in his manner that left the impression, that he felt himself seriously sick and "that his life of work was nearly ended." He did not rest well that night; and the next day, rough, unsettled and disagreeable, he went on to Liverpool to commence the homeward voyage. His purpose was to go farther north to visit the Argylls at Inverary, the Duchess had written, urging him to come, and the warm friendship between him and her family, since he first visited England and the wish to see them once more, induced him strongly, but at the last, he felt he could not spare the time.

His friends urged him to stay longer in Europe. William W. Story was delighted to meet and visit with him once more. It seemed as if the intervening years were blotted out and both were young again. He had "the same pleased astonishment at all he saw" and "the same stern and unflinching adherence to his friends." And he patronized William as pleasantly as he did, when he was twenty and the world before him, so that he was delighted and laughed into youth again. Doubtless the merry laugh of William recalled his father's, and took Sumner back to the days when he dropped into Judge Story's home, in Cambridge, so familiarly. Under such influences, he grew visibly stronger; and William urged him to spend the winter in England or go with him to Rome and "wander over the old places". Once Sumner seemed to yield, but only for a moment. His answer at last was the same as to Bright and Governor Bullock, he must go back to the Senate and to work. And so he went forth, from the sight of his friends beyond the sea forever. How much those friends and those scenes meant to him, warm-hearted and affectionate, and yet without family and without home, and how much the thought of them came into his hard, toilsome life, to ease the burden and brighten the way, can hardly be told.

The voyage homeward was a rough one. For two days a violent gale blew and the next the sailors rescued the crew of another ship that had been disabled. He landed in New York on the twenty-sixth day of November, after a voyage of twelve days. One of the purposes of his trip had been to consult Dr. Brown-Séquard; but he had suddenly left Paris for New York, before Sumner's arrival. Sumner consulted him there upon his return to America and then went to Washington.

At the opening of Congress he was in his seat, feeling much improved in health by his trip. The change of scene and the journey had done him good. He felt disappointed at the result of the election. To those with whom he talked, in confidence, he expressed surprise. He could not understand why reasons that seemed so conclusive to him that Grant should not have been re-elected, had not been equally so to others. He was disappointed that his own speeches against him had not produced a greater effect upon the vote. But if there was any feeling of bitterness at this, there was no expression of it. His associates in the Senate remarked it at the time and afterwards. He had only kind words for all of them and seemed to accept the result as it was and wish for peace and reconciliation.

At the opening of the Session it had been arranged that a motion would be made to have the Senate adjourn on the day of the funeral of Horace Greeley, out of respect to his memory. Fenton of New York was to make the motion and Sumner was to second it. By parliamentary tactics, the Republican majority prevented the motion being made. In some remarks that Sumner prepared for the occasion, which have since been published, he plead for reconciliation. "We are admonished", he said "to forget the strifes of party and to remember only truth, country and mankind \* \* \* In other days the horse and armor of the departed chieftain have been buried in the grave, where he reposèd. So too may we bury the animosities if not the badges of the past."

A few days later in a tribute to Garret Davis, a Senator from Kentucky, who had died during the recess, Sumner touched the same chord again. Davis was a man of conspicuous ability and industry and of unquestioned integrity. Under circumstances of peculiar trial he had been unfaltering in his devotion to the Union. But he was the advocate and defender of slavery. Upon this subject "a certain wild independence and intensity of nature, which made him unaccommodating and irrepressible" came out so conspicuously that he yielded neither "to argument nor to the logic of events". He "spoke last for slavery". While paying a high tribute to his better nature, Sumner did not believe that, even in a eulogy, he should pass over this trait, without remark. But he also added, in tenderness for the past: "Time is teacher and reconciler; nor is it easy for any candid nature to preserve a constant austerity of judgment towards persons. As evening approaches, the meridian heats lose their intensity. While abiding firmly in the truth as we saw it, there may be charity and consideration for those who did not see it as we saw it. \* \* \* In proportion as

I quit myself, and as time sweeps me far from our combats, I enter without difficulty into a serene and pleasant appreciation of ideas and sentiments which do not belong to me. \* \* \* Here let me be frank. Nothing could make any speech for slavery tolerable to me; but when I think how much opinions are determined by the influences about us, so that a change of birth and education might have made the Abolitionist a partisan of slavery and the partisan of slavery an Abolitionist, I feel that while always unrelenting towards the wrong, we cannot be insensible to individual merits."

Sumner had two aspirations when he entered upon the work of this session that he wished to see promoted by legislation,—equal civil rights for the blacks, and a removal of the animosities created by the war. He hoped for a complete reconciliation between the North and the South. Both parties advocated these two measures in the late campaign. He was for carrying them out in good faith.

He introduced his Civil Rights Bill again. He also introduced another bill, which seems unimportant to us, that could do no harm, as he thought, and would aid to restore harmony between the sections. But it was destined to develop consequences that were altogether unthought of when introduced. The text of this bill was as follows:

"A Bill to regulate the Army-Register and the Regimental Colors of the United States. Whereas the national unity and good will among fellow-citizens can be assured only through oblivion of past differences and it is contrary to the usage of civilized nations to perpetuate the memory of civil war: Therefore, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the names of battles with fellow-citizens shall not be continued in the Army-Register, or placed on the regimental colors of the United States."

Sumner had twice before introduced this measure, in substance; once in 1862, when after the capture of Williamsburg, General McClellan asked if it would be proper for regiments to place the names of battles in which they were engaged, on their regimental colors. Sumner introduced in the Senate a resolution that it would not and General Scott, then living, commended it as "noble." Again, in 1865 he introduced in the Senate a resolution, that in the Nation's Capitol there should be no picture of a victory in battle over fellow-citizens; which General Robert Anderson, another high military authority, commended. There was no criticism of Sumner's action or motives on either of these occasions. This had been in accord

with the practice of all civilized nations, ancient and modern. And the reason for it was obvious. No soldier while fighting the battles of his country should be reminded by the flag under which he served of his previous defeats. It would neither be wise nor generous. Every one should be made to feel himself the equal of all others, the citizen of a common country, with an equal pride in its glory, and not as a defeated foe.

In speaking on this subject, after Sumner's death, Carl Schurz, himself a soldier of high rank, educated in the military schools of Europe, said: "All civilized governments of our days have instinctively followed the same dictate of wisdom and patriotism. The Irishman, when fighting for old England at Waterloo, was not to behold on the red cross floating above him the name of the Boyne. The Scotch Highlander, when standing in the trenches of Sebastopol, was not by the colors of his regiment to be reminded of Culloden. No French soldier at Austerlitz or Solferino had to read upon the tricolor any reminiscence of the Vendee. No Hungarian at Sadowa was taunted by an Austrian banner with the surrender of Villagos. No German regiment, from Saxony or Hanover, charging under the iron hail of Gravelotte, was made to remember, by words written on a Prussian standard, that the black eagle had conquered them at Königgratz and Langensalza. Should the son of South Carolina, when at some future day defending the Republic against some foreign foe, be reminded by an inscription on the colors floating over him, that under this flag the gun was fired that killed his father at Gettysburg? Should this great and enlightened Republic, proud of standing in the front of human progress, be less wise, less large-hearted, than the ancients were two thousand years ago and the kingly governments of Europe are to-day?"

Sumner thought not. He believed that all occasion for strife and distrust between the North and the South had passed away and that the time had come when they should grow together again in heart as they were indissolubly joined together by law. And this generous impulse quickly found an answering response among the Southern people. "It was certainly a gracious act toward the South" said one of them,—"though unhappily it jarred upon the sensibilities of the people at the other extreme of the Union and estranged from him the great body of his political friends—to propose to erase from the banners of the national army the mementoes of the bloody internecine struggle, which might be regarded as assailing the pride or wounding the sensibilities of the Southern people. That

proposal will never be forgotten by that people so long as the name of Charles Sumner lives in the memory of man."

But this act met a different reception in the North. The Legislature of Massachusetts was in extra session, called together to pass some bills made necessary by the great fire of that year, in Boston. One Hoyt, the member from Athol, who had been a soldier, but with no particular army record, introduced a resolution censuring Sumner's bill as "insulting the soldiers" and "meeting the unqualified condemnation of the people" of Massachusetts. The resolution was unexpected; it came in, without previous discussion, among the members, of the propriety of such a step and was at once referred to a committee. The committee announced no public hearings upon it and no one was heard but Hoyt and two of his friends. The committee divided upon it, three members being for and three against it; and it was thus reported. The Legislature was to adjourn the next day after it was reported. It was discussed, the evening it was reported, and the next morning. There was a good deal of loose declamation about insulting the soldiers, tearing down their tombstones and ploughing up the National cemeteries. How other nations had treated the question and the precedents they had established was not discussed. Members were apparently not familiar with the subject. What Sumner's motive or purpose was, in introducing the bill, was not known; an opportunity was not given him to explain.

A motion was made to postpone the resolution indefinitely. It was supposed to have carried by the casting vote of the Speaker, but a recount being made, it was found that the motion was lost, by a majority of one. The resolution was then passed by the House. It was rushed through the Senate, the afternoon of the same day. And thus was Charles Sumner censured by the Legislature of Massachusetts!

The fear of incurring the displeasure of the soldier vote, which was then large, naturally influenced some Members to vote for it. But there was a bitter feeling on the Republican side towards Sumner, for his part against Grant. The election was only recently over and party feeling at the time ran high. Sumner was treated, on the impulse of the moment, as having abandoned his principles and gone over to the Democrats, and his bill as a Democratic measure. There was a disposition to punish him for it. And this feeling more than any other caused its adoption.

But in every community there is a class of educated and sober-minded people, who are not to be blown about by every gust of

political excitement. Sumner had enjoyed, in large measure, the confidence of this class in Massachusetts. His record in the Senate had been a matter of pride to them and, though they may have differed from him in his estimate of Grant, they were not willing that he should be treated with injustice. A resolution of censure passed upon him at once arrested their attention and the cause was no sooner known, than a movement was organized, headed by John Greenleaf Whittier, the poet, to have the incoming Legislature rescind it.

Petitions were circulated and they were signed by more than five thousand names. The number could have been increased indefinitely. It was the character of the petitioners that was chiefly remarkable. Perhaps no prayer to a Legislature ever had so many great names attached to it, authors, scholars, divines, men of all professions, judges and statesmen, of the highest rank in the country, Whittier, Longfellow, Holmes, Agassiz, Wendell Phillips, Rev. James Freeman Clarke, Ex-Governor Claflin, Ex-Governor Washburn, A. H. Rice, soon to be Governor, Henry Wilson, Vice-President elect, Henry L. Pierce, the Congressman of Boston, were some of those within the State; William Cullen Bryant, Fred Douglass, Chief Justice Chase and Governor Noyes, of Ohio, were some of those without. A remonstrance was also presented.

The Legislature met in January, 1873. The petitions were referred to the Committee on Federal Relations, which gave public hearings to both sides. Ex-Governor Claflin, Ex-Governor Washburn, Rev. James Freeman Clarke and Hon. Edward L. Pierce argued the question for the petitioners; Hoyt, the mover of this resolution, William Lloyd Garrison and Julia Ward Howe, appeared and spoke for the remonstrants. Since the days of his young manhood, Sumner had known the last two. Garrison's paper, the *Liberator*, was the first for which he subscribed; and since 1835 he had continued his support to it and its editor. But as the tide of years rolled back and he saw the visits in those early days to New York and the home of the Misses Ward, the "Three Graces of Bond Street", where he entered with a young man's enthusiasm into the charmed circle of their wit and beauty, and recalled once more the tender sentiment of the past, it must have chafed him to see the last of the "lovely triumvirate" in this company.

The committee reported against rescinding the resolution and both Houses voted to adopt their report. The strength of the election prejudice was still too strong.

The resolution of censure came upon Sumner with prostrating effect. "Only the sea and tiger," he wrote Rev. James Free-

man Clarke, who had promptly criticised in his pulpit the resolution of the Legislature and defended Sumner's bill, "are as blind and senseless, in ferocity, as party hate." He was now without party lines in the Senate. He was not a Democrat—never had been; and the call for the Republican caucus limited its membership to those who had supported Grant and the platform. Hostility seemed to be directed at him. Schurz was given a place on the Committee on Foreign Relations by the Democrats, and Banks was allowed to retain his Committee appointment, by the Republicans in the House. Both had been prominent in the movement for Greeley. Cut off thus in Washington and censured at home, avoided by many he had formerly led, Sumner's position was unpleasant. It preyed upon his mind.

He was in no physical condition to withstand it. All the improvement he had gained by his trip to Europe disappeared and the heart and brain troubles returned, in aggravated forms. He became seriously sick. The attacks of angina pectoris became so frequent as to average one each week and increased in length and intensity. There was the pressure on the brain attended with pains about the spine, neck and shoulders. His physician, Dr. J. T. Johnson, of Washington, attended him twice each day; and besides, daily reports were made to Dr. Brown-Séquard, in New York, and his advice received as to treatment. He could walk with difficulty, leaning upon a cane, in the house; it pained him to sit and he was finally obliged to take his bed.

He read some and was glad to see friends who called; their talk generally led to his recent trip to Europe, and the persons and places he visited. It withdrew his thoughts from politics. But to a few, those nearest to him, as Schurz and Wilson, he revealed his deep disappointment, at the storm of obloquy that his Battle Flag Bill had raised in Massachusetts. The days of that winter sat sad and dark upon him. He was obliged to give up all work, even that upon his "book", as he called the collected edition of his speeches, which he was publishing and longed to see completed. His life, filled with work and political struggle and strife, had not been a peculiarly happy one and sometimes he longed for a home with a little less friction in it. "If my works were completed and my Civil Rights Bill passed," he said one day to Wilson as they sat alone, "no visitor could enter that door that would be more welcome than death." For these causes he would ask strength again; and now a new wish had come, to appear in the Senate once more, and defend his Battle Flag Bill. He felt that he had been misunderstood,

and unjustly condemned. Massachusetts, he said, had led in the battle for freedom and equality; and he wished to see her lead again, "in smoothing the wrinkled front of war". He wrote to Wilson asking that the consideration of his bill be postponed until he would be able to be present; and his request was granted.

From the nineteenth day of December until the middle of March he was not in the Senate. He went there at that time to present, according to custom, the credentials of his colleague, Geo. S. Boutwell, who had been elected to succeed Wilson, now the Vice-President. When Sumner advanced with Boutwell to the Speaker's chair, where the oath was administered, he appeared weak and sick, leaning heavily upon his cane. And he was not able to attend the meetings of the Senate again that session. With the coming of spring and the bright and beautiful days, with warm sunshine and pleasant air, which wake trees and flowers and birds to such joyous life in that climate, a new vigor seemed to be infused into him. He commenced, by taking short walks or drives and increasing their length. On the first of May he attended the wedding of his physician and called on Chief Justice Chase. The talk with Chase of old friends, old scenes and old conflicts was "intimate and affectionate". Six days later Chase died, very suddenly, in New York, and Sumner was asked to be one of the pallbearers, but was obliged to decline. Two weeks later, he was able to do a little work on his "book". Gradually health and strength, in a measure, returned and by the last of July the physicians and medicines disappeared.

## CHAPTER XLIII

RETURN TO WORK—LAST SUMMER AT BOSTON—IN SENATE AGAIN  
—ATTENDS DINNER OF NEW ENGLAND SOCIETY OF NEW  
YORK—LAST DAYS—DEATH—EULOGIES.

SUMNER remained in Washington till the last days of July, at work upon his “book”. This required frequent visits to the Congressional Library. It was quiet, congenial employment for him and took his mind from politics and excitement. This was what he needed. While his general health had become fair, he found he could not stand excitement and therefore avoided politics even in conversation. His friends urged him to make another trip to Europe, but he would not listen to this. In the purchase of rare books and manuscripts and art treasures, while there the summer before, he had expended about six thousand dollars. The most of this he had borrowed; for the modest fortune, inherited mostly at his mother’s death, he kept invested as a permanent capital, upon which he did not wish to draw. He was always restive when in debt. He now hoped by lecturing, the coming fall, to earn the money to pay this off and be free again.

When pressed to go to Europe, he wrote: “I am yet in debt for my European trip last autumn, and no temptation can make me repeat this indiscretion, and reduce still more my small capital. Evidently you do not consider my expenses,—my house, clerk hire here—salary to proof readers at Cambridge, my doctor’s bills (two visits daily for months), with Dr. Brown-Séquard’s account; also poor relations. How to meet these, even with my increased pay, I know not.”

Sumner had partly made arrangements with Redpath’s bureau for engagements to lecture, when his friends discovered it. The subject he had chosen was the “The Unity of the Republic”; and he had done some work upon his lecture. His physician, Dr. Brown-Séquard thought he was equal to the strain. But his friends thought differently and urgently advised against it. He admitted he needed “rest and play and friendship” and regretfully undertook the work. Wendell Phillips, who had been an extensive lecturer and was familiar with the hardships of the work, was especially active in dis-

suading from it. Seeing that the debt was the worrying cause, he procured Henry L. Pierce to pay it and take Sumner's note for the amount. The engagement to lecture was then reluctantly cancelled. Sumner would rather have had the debt paid.

This note was afterwards paid out of Sumner's estate. The various reports that money was raised among his friends, as for instance, to pay the expenses of his last trip to Europe, to pay this debt, and so forth, are without foundation. Sumner was exceedingly sensitive upon such matters and would not allow favors of this kind to be shown him. He even declined the offer from the steamship company, of a free passage homeward, on his last European trip. His sensitiveness about receiving gifts has already been noticed. He believed that the receipt of such favors was not consistent with a public man's position. In the life of Daniel Webster, he had seen these gratuities give rise to ugly scandals and rude questionings, unworthy of the man and his position, as well as embarrassing to his friends.

Sumner spent the time quietly, during this summer, with his friends and occasionally working at his book; otherwise undertaking no serious employment, but keeping in mind his purpose to re-establish his health. "It is pleasant," he wrote, "to feel a sense of health, to sleep without narcotics and to move about, as other people, without effort or ache." Mrs. John T. Sargent invited him to make her house his home during his stay in Massachusetts; but he declined. "The large airy room in the large house" was tempting, but he felt he needed retirement and went to his old quarters at the Coolidge House, where he would feel less restraint. He spent his summer there, and at Nahant, where he was the guest of Longfellow and Mrs. George A. James, at both of whose houses he was always welcome and was treated almost as one of the family. One day in September he and Longfellow drove to Amesbury and visited Whittier, on their return, dining with Ben Perley Poore at Newbury. He also visited Ex-Governor Claflin at Newtonville and Mr. Hooper at Cotuit, spending two or three days with each.

While visiting Longfellow at Nahant, Sumner had a call from Vice-President Wilson, his former colleague in the Senate, whose friendship, notwithstanding differences of political opinion, still continued unbroken. Wilson had suffered a stroke of paralysis the previous spring, which had partially disabled him. Each was struggling on with shattered health, filling a high office, under the penalty of public life, that he could not escape observation and attention wherever he went, and having besides an unfinished book on his hands, by which he hoped to continue his name to posterity. It is a sad reflection on the

uncertain fame of American statesmen that Sumner and Wilson after spending twenty years of hard service in one of the highest offices of the Nation, where the best of life was exacted and given, must thus confess at its close the uncertainty of its rewards. Each was obliged by death to leave his book to be completed by others.

George S. Hillard, another of Sumner's friends, had also suffered a stroke of paralysis. Sumner saw him repeatedly during this summer vacation and together they enjoyed their talks of the old days, of "The Five of Clubs," of the members long gone, the refined and sensitive Cleveland; and Felton, so lovable, whose merry laugh came back from the past so tenderly; of "Number Four, Court Street" and their old law office, with its visitors. The separation later, caused by Sumner's fight against slavery, was forgotten; and Hillard now agreed that he had not seen into the future so clearly. Sumner dined with Hillard, one evening shortly before his return to Washington. The domestics of the house were colored and one had been a slave and bore on her back the marks of her master's lash. They were much elated at the thought of preparing a dinner for Charles Sumner. Upon being told of their admiration, Sumner answered that it was customary, in certain places, when the dinner was unusually fine, to send a glass of wine to the cook and asked that he might be permitted to do so on this occasion; and it was done. At the close of the meal the domestics wished to be permitted to see Sumner and he smilingly complied with the request. It was a scene worthy the brush of an artist; Sumner's stalwart form, six feet three inches tall, filling the doorway to the kitchen, while those poor colored women, as if it were enough to touch the hem of his garment, came forward to take his hand and press it to their lips. Some of the bystanders could not suppress a tear; but it was so unexpected to Sumner, that he soon escaped in embarrassment.

This was an unusually happy summer for Sumner. He felt the sympathy of the people of Massachusetts coming back to him, in love and confidence, as of old. His sickness and the fear that perhaps he might not recover had touched them with a sense of the injustice done him in the recent days. Old friends came forward to greet him and new people sought to make his acquaintance. They were glad to see him looking so well. He confessed he had not felt so well for several years. The color in his face was unusually clear and good; and he walked with comparative ease. He greeted those he met cordially and seemed to appreciate the warm welcome he received. On every side there was talk of him for another term in the Senate and

no serious mention of any other name, though the choice was soon to be made. He was entertained as principal guest at four of the clubs in Boston, making a short speech on each occasion, but avoiding politics, choosing such subjects as love of country, the future of the Republic, or the Centennial Celebration and the return to specie payments, questions then only being mooted. He appeared at lectures several times, at one he presided and, at another, came forward, at the close, to decline the call of the audience for him. He spoke at a meeting at the Merchants' Exchange, called to solicit aid for the sufferers from yellow fever at Memphis and Shreveport. He was made a member of the Massachusetts Historical Society, a place then much coveted by scholars. He attended a social meeting at Rev. James Freeman Clarke's church by invitation of the pastor. On the way he inquired of a passenger on the street car for the location of the church. After answering, the passenger inquired if he was a stranger in the city. But a little boy on the same car jumped off, when Sumner alighted, to ask him to write his name in an autograph album, which he did, by the light of a street lamp. At the church he spoke briefly, directing his remarks to the young folks, speaking of the possibilities of the future and expressing the wish that he could live in the coming generation. But a lady present reminded him later in the evening that, "the Lord knew better than he did when *he* ought to have been born." He was entertained by many of his friends and entered heartily into the occasions, both he and they seeming happy at his prospect of continued good health.

He left Boston for Washington November twenty-fourth, 1873, stopping off a few hours, in the afternoon, to attend a public reception, given in his honor, by the citizens of Springfield and then went on; and the people of Massachusetts saw him no more. But it was not a parting in sadness and disappointment. His friend, Edward L. Pierce, accompanied him on the train from Boston, and once interrupted his reading to ask: "Do you not see how the heart of Massachusetts is with you?" "Yes," after a moment's hesitation, he answered, "I expected it, but not so soon." He realized then that the resolution of censure would be rescinded, at the coming meeting of the Legislature, and that for the fifth time, if he consented, he would be chosen to represent the State in the Senate. After brief stops at New York and Philadelphia he reached Washington on November twenty-eighth.

Sumner was present in the Senate at the opening of Congress. The disposition here as in Boston had been changed by his

illness and absence from the Senate. His colleagues generally were glad to welcome him back and to congratulate him upon his return to health. But there was still a lack of cordiality, on the part of those who were peculiarly of the Administration circle, Conkling, Logan, Morton and Carpenter. They, with the aid of patronage, were now the controlling set in the Senate. They classed him as a Democrat and refused him any place of consequence on the Committees. He knew the classification was not correct, as they did, but he made no complaint.

Sumner this year attended the annual dinner of the New England Society of New York, held on the evening of the twenty-second of December. He had been pressed to go before, but declined, because of his rule not to leave Washington, when Congress was in session, except in case of urgent necessity. He felt that he could now claim some relaxation of this rule. The President of the Society was his friend, Elliot C. Cowdin, who had shown him so much kindness on his last visit to Paris. Sumner was to be his guest while in New York and thus renew his pleasant acquaintance with "little Alice" and the rest of the family, and talk over their European days.

In responding to the toast, "The Senate of the United States", he made a graceful reference to his friendship with Mr. Cowdin, "of many years, in Boston, New York and in a foreign land." This speech—his last before a general audience—his last except some impromptu remarks in the Senate, revealed some of the principles which guided his life. He referred to the counsel of the venerable pastor, John Robinson, to the Pilgrims, before their embarkation at Delft-Haven; "to be as ready to receive the truth, at the hands of other ministers, as ever they had been at his, not to close their souls to the truth as the Lutherans, who could not be drawn to go beyond what Luther saw" nor as the Calvinists, "who stuck where Calvin left them," "though they were precious, shining lights in their times, yet God had not revealed His whole will to them," and he was "very confident the Lord had more truth and light yet, to break forth out of His Holy Word." This, Sumner insisted, recognized the law of Human Progress, "which teaches the sure advance of the human family, and opens the vista of the ever broadening, never ending future on earth."

He spoke of the poverty of the Pilgrims, their whole outfit, including £1,700 of trading-stock, being only £2,400, and humorously told of their soldier captain, Miles Standish, being sent to England to borrow, and was only able to raise £150, at

fifty per cent interest. "So much," he said, with a reference to General Sherman, who was present, "for a valiant soldier on a financial expedition." "And yet," he said, "this embarkation so slender in numbers and means is illustrious beyond the lot of men."

"Though this was little foreseen," he said, "in their day, it is plain now how it has come to pass. The highest greatness, surviving time and storm, is that which proceeds from the soul of man. Monarchs and cabinets, generals and admirals, with the pomp of courts and the circumstance of war, in the gradual lapse of time disappear from sight; but the pioneers of Truth, though poor and lowly, especially those whose example elevates human nature and teaches the rights of man so that Government of the people, by the people, and for the people shall not perish from the earth—such harbingers can never be forgotten, and their renown spreads, coextensive with the cause they served."

He contrasted the rulers of that time, "the foolish James" of England "the morose Louis the Thirteenth" of France, "the imbecile Philip the Third" of Spain, "the persecuting Ferdinand the Second" of Germany, Pope Paul the Fifth, Christian of Denmark and his son Christian of Norway, Gustavus Adolphus of Sweden and a score of others whom he named, all so well known then and whose faces have been so carefully preserved by Art, with these poor Pilgrims who had no artists and whose countenances are now unknown. None of the former, he declared, excepting Gustavus Adolphus "because he revealed a superior character", is now remembered, "but with indifference or contempt. While our Pilgrims had in themselves that inborn virtue which was more than all else besides, and their landing was an epoch." "The former," he added, "are ascending into the firmament, there to shine forever, while the latter have been long dropping into the darkness of oblivion, to be brought forth only to point a moral or to illustrate the fame of contemporaries whom they regarded not. Do I err in supposing this an illustration of the supremacy which belongs to the triumphs of the moral nature?"

"I would if I could," he said, "make their example a universal lesson, and stamp it upon the land. The conscience which directed them should be the guide of our public council; the just and equal laws which they required should be ordained by us; and the hospitality to Truth which was their rule should be ours. Nor would I forget their courage and steadfastness. Had they turned back or wavered, I know not what would

have been the record of this continent, but I can see clearly that a great example would have been lost."

This speech, though his last, shows no diminution of his mental powers. Since his death it has been selected and published as one of the choice specimens of American eloquence.

Sumner's reception at this banquet gave unmistakable evidence of the high place he held in New York. Owing to a delay of his train, he was late in arriving at the banquet. As he passed up the hall, to the place assigned him, as principal guest, at the right of the President, he was recognized and heartily cheered. He was introduced by the President as "the senior in consecutive service and the most eminent member of the Senate, whose early, varied and distinguished services in the cause of Freedom had made his name a household word throughout the world." On rising he was received with great cheering, the members of the Society standing. Many times during his speech he was interrupted by applause and at the conclusion the audience rose and gave cheer upon cheer. It was a reception altogether worthy of the man and his work and it touched him deeply. For weeks after, the effect of it was noticeable upon his spirits. It was an earnest of the assured place he was to hold in the estimation of posterity.

Sumner remained four days in New York, enjoying the hospitality of Mr. Cowdin and his family. While there he was seized with a cold, which, with the excitement and physical strain incident to his visit, caused some unfavorable symptoms, but the kindly anxiety of Mr. Cowdin and his family quickly came out in the unfailing tenderness of husband and wife and children. Did Sumner not secretly wish he could have such tenderness with him always, have wife and children of his own, to offer kindly ministrations in sickness and when others met him with averted faces, to welcome him to their circle and say they knew that he was great and pure and good?

On December, twenty-sixth, he was back in Washington and at work. To one who wrote to him cautioning him about his health, he answered cheerily. "I note and value your warning. My case is less menacing than the Vice-President's. I have latterly done my eleven hours work a day."

At the opening of the session he introduced his Civil Rights Bill again. On the second day of the session he moved the Senate to proceed to the consideration of it. But Senator Ferry of Connecticut objected that Edmunds of Vermont had asked, that it be referred to his committee, and added that he was not now present and that a recent decision of the Supreme Court had increased the doubt of the constitutionality of the

bill. There was a discussion of the reference, Sumner objecting and insisting that it be disposed of promptly. But his motion did not carry. On the twenty-seventh day of January 1874, the bill came up again, on a motion to refer it to the Judiciary Committee. Sumner resisted the motion and argued that the bill had already been twice before this Committee and had each time been reported adversely, after being held there many months, that the third time he had introduced it, he did not ask a reference on this account, that in his opinion to refer it now only meant delay and he was for action. But members of the Committee assured him that it should be promptly reported and he then withdrew his objection and it was referred.

This was Sumner's last effort for the passage of a bill, on which he had labored four years. By his agitation, there had grown up a feeling in its favor. Each political party had admitted its justness and the Senate was inclined in its favor. Though later it was passed, it was afterwards held unconstitutional by the Supreme Court, on the ground that it was legislation that belonged to the States. Its provisions have since been enacted in many of them.

Sumner's interest in the attitude of the Supreme Court towards his Civil Rights Bill influenced his action upon the appointment of a Chief Justice at this session. The President first nominated Roscoe Conkling, but he declined, then Williams of Oregon, but it became apparent that his appointment could not be confirmed. After some hesitation, his name was withdrawn, by the President. He then sent to the Senate the name of Caleb Cushing, of Massachusetts. Of his ability, there could be no question, but his practice as an attorney had not been extensive. His life had been spent largely as a politician and in dealing with public questions. His instability as a politician was well known. He had been a Whig, a Democrat and a Republican and an ultra man in each relation. He was a Member of the Massachusetts House of Representatives at the time of Sumner's first election to the Senate and the leader of the opposition to him. He was the Chairman of the Democratic Convention which met at Charleston in 1860. At the outbreak of the war, he publicly spoke and wrote in favor of the right of Secession. During the war he became a Republican. His nomination was much of a surprise in Massachusetts.

Sumner determined to support it. Cushing had a country home near Washington and an intimacy had grown up between them, Sumner frequently driving out to his house during the pleasant days of the preceding spring, when he was convalescing. Their talks had been cordial and the constitutionality of

the Civil Rights Bill had been one of their subjects. Cushing agreed with Sumner upon it. Owing to their friendship, Cushing's ability and their agreement on this question, in which Sumner took a deep interest, he determined to support the nomination, though many of his Massachusetts friends advised against it. His name, however, was afterwards withdrawn, by the President, at the request of the Republican caucus, of which Sumner was not a member, owing to Cushing's record at the opening of the war and particularly on account of a letter which then came to light, asking the good offices of Jefferson Davis in favor of a clerk about to join the Confederacy.

A letter written by Sumner about this appointment reveals his fidelity, to his friends as well as to his measures: "I trust Cushing absolutely," he wrote, "and believe, if the occasion had occurred, he would have vindicated our ideas judicially far better than any probable nominee of Grant. I do not write in the dark, for I have talked with him on these questions and have seen his sympathy with me. You know that I do not cherish old differences and animosities. How many have I seen advanced to the front who were once bitterly the other way! Knowing Cushing as I did, would it not have been mean and craven for me to turn against him or to skulk in silence? This is not my way with friends. Such is not my idea of friendship."

Morrison R. Waite was afterwards appointed and confirmed. Sumner did not vote on the question of his confirmation. When it was being considered by the Senate in executive session, he spoke at length of the importance of the office and the character of man required and of his association with those who had filled it and of the great judges he had known. The session being secret his remarks were never printed, but they were commended by those who heard them. The appointee was then comparatively unknown in Washington, as was his opinion upon the question in which Sumner felt so much interest. The result justified Sumner's apprehension, for Chief Justice Waite concurred in the opinion holding the Civil Rights Law unconstitutional.

On Friday, March sixth, Sumner spoke in the Senate on the bill for the Centennial Exposition to be held in Philadelphia in 1876. From the beginning he had taken much interest in it. He was not in favor of giving it the form of a World's Fair, believing that coming so soon after the Exposition at Vienna it would not be a success. But he was in favor of a National Exposition showing the progress of this country in the arts and sciences. In his debate, on this day, there was a sharp

though friendly encounter between him and the Pennsylvania Senators. He favored a farther consideration of the bill and moved a reference of it to a committee; and he prevailed. These were his last remarks in the Senate.

He was pleased with the vote and just after it was taken he said to a fellow Senator: "Thurman, this is another instance of the good effects of debate. Had the vote been taken on the bill without discussion, it would have passed almost unanimously." Sumner never limited his friendships to those of his own party. His friendship with Thurman, though a Democrat, approached intimacy and, he said after Sumner's death, it was never marred for a moment by any political difference, however great and decided. Thurman thought one of Sumner's distinguishing traits was his love of discussion.

"He never," he said, "within my knowledge shrunk from it; and he was the determined opponent of all attempts to limit debate in the Senate by a previous question or other restrictive rule. He spoke often and elaborately himself, and he was the best, and perhaps the most courteous, listener among us to the speeches of others. He placed a very high estimate upon the power and effect of discussion, often in conversation citing instances of measures being carried or defeated by a thorough debate."

The Senate adjourned from March sixth, Friday, to Monday March ninth. On Sunday evening Sumner dined at Mr. Hooper's in company with Senator Anthony of Rhode Island and Hon. J. B. Smith, a colored member of the Massachusetts Legislature, who had been appointed to bring to Washington the resolution, rescinding the Legislative censure of Sumner. It was rescinded by the State Senate on February eleventh and by the House of Representatives on February thirteenth, almost unanimously. Mr. Smith had brought the resolution, and a beautifully engrossed parchment copy of it for Sumner. Sumner was in excellent spirits while at Mr. Hooper's. But after retiring that night he had an attack of the *angina pectoris*, which kept him awake four hours and necessitated the call of his physician and a return to morphine to ease the pain.

On Monday, March ninth, the session of the Senate lasted only a few minutes and then adjourned out of respect for the memory of ex-President Fillmore, who had just died. Sumner was not able to be present. On that evening he had another, but less severe, attack of his disease, when his physician was again sent for and administered remedies. On the next day, Tuesday, March tenth, 1874, his colleague Senator Boutwell was to formally present in the Senate the rescinding resolution.

Boutwell had been sick for some days and hence it had not been done sooner. It had been presented in the House on March seventh by General Butler, in Sumner's absence. But it was desired that he should be present when it was presented in the Senate. He felt better on the morning of Tuesday, chatted pleasantly and discussed, with his guest and former secretary, A. B. Johnson, many persons and events "always in a kindly, genial, pleasant tone," while he waited nearly an hour for his mail, which was late. He went to the Senate against the advice of his physician.

He was in his seat about 12.30 p. m. when Senator Boutwell arose soon after the Senate convened and read the resolution, formally retracting the only censure that had been passed upon him by the State during a service of twenty-three years. The eyes of the members sought him as the resolution was read, but in his face there was no sign of exultation or triumph. When asked the evening before if he would speak, he answered: "The dear old commonwealth has spoken for me and that is enough." But underneath a silent and impassive exterior there was a deep feeling of appreciation of this act of the Legislature. How many heart aches and sad misgivings, this hasty, passionate and ill-considered resolution cost him, no one will ever know. But we do know that it did much to hasten the break down of the already shattered health of this noble servant of the State. The presentation of the rescinding resolution was the last act of the Senate in which he participated.

His fellow Senators, and others present, congratulated him. He went to his colleague Boutwell and affectionately putting his arm around his neck, inquired after his health and as he arose to leave the chamber accompanied him to the door, there bidding him "Good-bye". He met Charles Kingsley, the English novelist and divine, who was on a lecturing tour in this country and conversed with him pleasantly. It was their first meeting and the impressions were mutually pleasant. They talked of English friends and acquaintances, Gladstone and the Argylls. Sumner said he was going to write to the Duchess of Argyll the next day. But he never did. Kingsley wrote instead to tell her the sad particulars of the end. Sumner spoke to several of his fellow Senators; to some, of the Centennial Celebration, of the resumption of specie payments, of the rescinding resolution and the kindness he had enjoyed during his recent vacation in Massachusetts; and to others, Mr. Hooper among them, of his sickness, of his feeling of weakness and of his apprehension of another attack. While he was still speaking

to some of them, he experienced pains in his side and remarked about them. Mr. Hooper arranged that his carriage would come to the Capitol and that he should ride home with him.

During this session of the Senate and the one of the Friday previous when Sumner was last there, he was greatly worried over a complimentary dinner to Baez, the San Domingo adventurer, that was being arranged for in Boston by Dr. S. G. Howe and others. To Mr. J. W. Chandler, who had discussed it with him on each occasion, he declared himself firmly against it and expressed the wish to have it prevented. An effort was being made by Mr. Chandler to gratify him. There was an earnest conversation of some length about it, on each occasion. Baez was then in New York; and the dinner was understood to be in furtherance of the scheme of annexation. It was never held. Sumner left the Senate Chamber, at 4.30 P. M., according to appointment, with Mr. Hooper, in his carriage. As he went out, those near noticed him pause and cast his eyes around, as if giving a long, parting look upon this scene of struggle and suffering and triumph, that had filled so large a place, in his life.

In the evening he entertained Congressman Henry L. Pierce and Mr. B. P. Poore of the press, both of Massachusetts, at his house for dinner. Before their arrival he wrote some friends in Boston, to interest them in preventing the complimentary dinner to Baez and he spoke of it to his guests when they arrived and seemed worried by it. After dinner, the two friends remained in conversation with him for two hours and then left, Mr. Pierce being the last to go. About half an hour after he left, the servants below heard a noise, in his chamber, as of some one falling heavily to the floor; and upon going immediately up, they found him lying partly upon the lounge and in great agony.

His physician Dr. J. T. Johnson was at once sent for and he came promptly with his brother A. B. Johnson, Sumner's former secretary. They reached the house about nine P. M. In the meantime, he had been aided to his bed; and when the physician arrived he was lying across it suffering severely. Morphine was administered hypodermically to ease the pain and produce sleep, but it gave no relief and fifteen minutes later the application was repeated. This afforded temporary relief and at the request of Dr. Johnson he retired to bed and soon went to sleep and slept for twenty minutes, when he awoke again with another paroxysm, more violent than the other. He exclaimed, "Doctor, this thing must kill me yet, and it might as well be

now; for life at this price is not worth the having." It was now near midnight and the physician, becoming alarmed at the violence of the symptoms, thought it prudent to call in others. His friends Mr. Hooper and Mr. Pierce as well as James Wormley, who lived near, were summoned and Dr. W. P. Johnston was also called; and they soon arrived, Mr. Wormley bringing with him another colored friend, G. F. Downing.

After another injection of morphine and a dose of brandy and ammonia he seemed easier, and at two o'clock there was so much improvement that his friends, except Mr. A. B. Johnson, thought it safe to retire to their homes; and he requested Mr. Johnson and his physician to go to bed, assuring them that he was better. The others complied except Dr. Johnson, who remained with him all night watching his symptoms. Towards morning they became noticeably worse. He was very weak, his pulse was fast disappearing and he became unconscious. About six o'clock Mr. Hooper, Mr. Pierce, and Mr. Wormley returned and it was decided to have a consultation of physicians and Surgeon-General Barnes and Dr. Lincoln were called and the result was a conviction that the end was near.

From this time until he died there were only intervals of semi-consciousness. Dr. Brown-Séquard was telegraphed for and word of his condition sent his sister and other relatives. His friends Senator Schurz and Congressmen E. Rockwood Hoar and George F. Hoar heard of his condition and came at once. Many of his friends and associates in the public service called during the day to tender kindly offices and before them the chaplain of the Senate in the library, below where he lay, read passages of Scripture and offered prayer, as he did also in Sumner's room.

When partially aroused certain things seemed to be upon his mind. "I should not regret this if my book were finished," he murmured. And again, "My book, my unfinished book!" He could be heard to murmur the words "Tired", "Weary". To his former secretary, Mr. Johnson, who with the two colored friends were changing his position he said: "You must be very tired; but you can soon rest." To Judge E. R. Hoar who was chafing his hands, saying he was trying to warm them, he answered hopelessly, "You never will". To Mr. Johnson who had lifted him up and had his arm under him, he said, "Don't let the bill be lost." To which he replied "Certainly not"; when Sumner answered: "You don't understand me: I mean the Civil Rights Bill;" and then turning to Judge Hoar he said; "Judge, the Civil Rights Bill; don't let it be lost—don't let it fail, my bill, the Civil Rights Bill!" About noon Schurz

asked him, "Do you know me?" "Yes", he answered, striving to open his eyes, "but I do not see you". And again the words were murmured; "O, so tired! O, so weary!" As the end drew very near he said to Judge Hoar, a neighbor of Ralph Waldo Emerson, "Judge, tell Emerson how much I love and revere him". And the Judge answered, "I will. He said of you once, he never knew so white a soul." He was a little later told that Mr. Hooper had come to see him. He motioned him to a seat and said: "Sit down." These were his last words. He soon sank again into unconsciousness, the heart beats growing feebler; for six hours there had been no pulse distinguishable at his wrist; and at ten minutes before three o'clock P. M. he passed into another convulsive movement with his heart; and the end was over. And Charles Sumner was dead. His friend and former secretary Johnson and Dr. Lincoln were supporting him at the time, Mr. Downing held his right hand, Judge Hoar his left; and as he laid it down he said, "Well done, good and faithful servant! enter thou into the joy of thy Lord!"

"As I stood by the dying bed of him who was my friend for thirty years," said Judge Hoar, "and heard the repeated exclamation, 'O, so tired! O, so weary!' the old hymn of the church seemed to be sounding in my ears:

" 'Yes, peace ! for war is needless;  
Yes calm ! for storm is past ;  
And rest from finished labor,  
And anchorage at last.'"

When the Senate met that day and the condition of Sumner was known, who the day before had been present participating in the proceedings, there was an indisposition to do any business and, on motion of Sherman, an adjournment was taken to the next morning. The Senators gathered in groups, receiving word of his condition from time to time and discussing the impending event. The House continued in session receiving and having read bulletins giving information of his condition and, when his death was announced, it too adjourned. By a coincidence, that did not escape observation among his colleagues, the day he was stricken with the fatal attack, which ended his life, was the anniversary of the day, when three years before he was removed from the Committee on Foreign Relations.

The next day, in the absence of Senator Boutwell of Massachusetts, on account of sickness, his death was announced in the Senate by Senator Anthony of Rhode Island.

"It is an event," he said, "which needs not to be announced, for its dark shadow rests gloomily upon this chamber, and not only upon the Senate and the Capitol, but upon the whole country."

He moved that a committee of six be appointed to take charge of the funeral and that, in consideration of his long and distinguished services to his country, his remains be removed to Massachusetts in charge of the Sergeant at Arms of the Senate, attended by a committee of six. The Senate then adjourned to attend the funeral services in the Senate Chamber at 12.30 p. m. the next day.

The announcement of his death was made in the House by Judge Hoar. He moved that a committee of nine be appointed, who with the Members of the House from Massachusetts, should accompany the remains to his native State.

The scene at the residence the next day was unusual. No relative of Sumner was there but the house was filled with mourners. The Massachusetts delegation with their families assembled early and went with the remains to the Capitol. A great procession of colored men, headed by Frederick Douglass, followed the hearse and after them came the committees of Congress and the immediate friends in carriages. The remains were deposited in the rotunda and here under the dome of the Capitol, all the forenoon, a throng of many thousands took a last look at the familiar face. Many were turned away, however, unable to get near on account of the press of the crowd.

Promptly at 12.30 p. m. the body was removed to the Senate Chamber. The throng that had already assembled there, the President and his Cabinet, the Supreme Court, the Senate and House of Representatives, General Sherman and Admiral Porter the heads of the Army and Navy, with many of their subordinate officers, the legations and their families and the public, that crowded the great galleries, all arose at the announcement of its coming and remained standing, while it was carried to the place reserved, before the Vice-President's desk. Here during the service, President Grant and Secretary Fish sat at the head, and Senator Schurz at the foot, while the eyes of the great audience wandered from him, where he lay, to the one vacant chair now, as was the whole chamber, heavily draped in mourning. The services were brief. The Chaplain of the House read 1 Cor. xv, 22-28 and offered a prayer. The Chaplain of the Senate then read Psalm xxxix, 5-13 and Psalm xc and offered further prayer. And Senator Carpenter then President *pro tem.*, committed the remains to

the Sergeant at Arms of the Senate and the committees, to be borne to Massachusetts. They were accompanied to the Railroad Station by many of those present.

Of these services Mr. Blaine wrote that they "were marked with a manifestation of personal sorrow on the part of multitudes of people, more profound than had attended the last rites of any statesman of the generation—Abraham Lincoln alone excepted." There was a wealth of flowers. Among them a cross sent from the White House by the daughter of the President and a magnificent design sent by the little Black Republic of Haiti; but what would have touched Sumner most,—those from the poor colored people, in profusion.

Both Houses of Congress adjourned until after the burial.

The special train left Washington at three P. M.

When the train reached its destination it was met by a multitude of people. Escorted by a mounted guard of honor from the First Battalion, followed by a long procession of carriages and people on foot, to the State House, here on a catafalque in the rotunda, hung with the torn and tattered flags of the conflict over Slavery, he was laid, his life-work done and the trust which had been confided to him by his State ended. As the shades of Saturday evening were gathering in the great hall, Senator Anthony advanced to Governor Washburn and said:

" May it please your Excellency: We are commanded by the Senate to render back to you, your illustrious dead. Nearly a quarter of a century ago, you dedicated to the public service a man who was even then greatly distinguished. He remained in it, quickening its patriotism, informing its counsels, and leading in its deliberations, until, having survived in continuous service all his original associates he has closed his earthly career. With reverent hands we bring to you his mortal part, that it may be committed to the soil of the renowned commonwealth that gave him birth. Take it; it is yours. The part which we do not return to you is not wholly yours to receive, nor altogether ours to give. It belongs to the country, to mankind, to freedom, to civilization, to humanity. We come to you with the emblems of mourning, which faintly typify the sorrow that swells the breasts which they cover. So much we must concede to the infirmity of human nature. But in the view of reason and philosophy is it not rather a matter of high exultation that a life so pure in its personal qualities, so high in its public aims, so fortunate in its fruition of noble effort, has closed safely, without a stain, before age had impaired its intellectual vigor, before time had dimmed the luster of its genius!"

"May it please Your Excellency: Our mission is completed. We commit to you the body of Charles Sumner. His undying fame the Muse of History has already taken into her keeping."

The Governor, in reply, addressed the committee briefly.

In the rotunda, the remains lay in state until Monday afternoon, guarded by a company of colored soldiers. During this time the assembled city and its visitors passed through the hall to view the face that had so long been familiar. During Saturday, while the train that bore him, was threading its way to his old home, a public meeting was held in Faneuil Hall at which short commemorative addresses were made by leading citizens, A. H. Rice and William Gaston, both afterwards Governors of Massachusetts, General Banks, Edward E. Hale, Richard H. Dana Jr., James B. Smith and others and letters were read from Charles Francis Adams and Henry Wilson. During Sunday, his life furnished the theme for many of the sermons of the country. On Monday, Boston was draped in mourning, the bells tolled, the flags in the city and harbor were at half mast and business was suspended. Everywhere there was evidence of sorrow. At three p. m the remains were removed from the State House to the King's Chapel, the old stone church, with associations of colonial days, where for many years he and his family had worshipped. Here the pastor, Rev. Henry W. Foote, read appropriate passages of Scripture, prayer was offered, Montgomery's hymn, "Servant of God, well done" was sung, other music was rendered and the brief service was ended.

The long procession to Mt. Auburn Cemetery moved over the bridge to Cambridge, passed the homes of Story and Longfellow and the College and Law School, and, as the sun was just disappearing, reached the grave, where in the gathering twilight the Lord's Prayer was said, a choir of forty male voices sang the inimitable "Integer Vitae" and "A mighty fortress is our God", the pastor pronounced a benediction; and all that was mortal of Charles Sumner was at rest.

By the grave stood Longfellow, Whittier, Emerson and Holmes, and his associates in public life, Vice-President Wilson, Speaker Blaine, Schurz, Anthony, Sherman, Hooper, Hoar and Pierce. No one of kin was there, but, as the coffin rested, two ladies, one of them the daughter of Julia Ward Howe, approached and placed upon it a wreath and a cross, the offering of the only surviving member of his father's large family, his sister Julia.

The grave is in a secluded spot near the boundary of the cemetery farthest from the main entrance. It is on the south-

west slope of the hill which originally was called by the students of Harvard "Mt. Auburn," and which afterwards gave its name to the cemetery. From the top of this eminence is had a fine view of the surrounding country and of the Charles River, of which Longfellow wrote:

"River that stealeth with such silent pace  
Around the City of the Dead, where lies  
A friend who bore thy name and whom these eyes  
Shall see no more in his accustomed place,  
Linger and hold him in thy soft embrace  
And say good night."

The grave is now marked by a granite monument, bearing his name, erected by the people. Beside it are the graves of his family and near by the visitor sees to-day those of Agassiz and Felton, and a little farther off those of Story, Longfellow, Holmes, Choate, Hillard and Channing.

Perhaps no member of either House of Congress was ever followed to the grave by such a wealth of eulogy. He was a great orator himself and had always been generous in eulogy of his dead associates. It was therefore natural that his death should make an impression upon men of this stamp, that would find its expression before the public. The State of Massachusetts and the City of Boston each held a commemorative service; at the former George William Curtis and at the latter Carl Schurz delivered the oration. The one was published in full in Harper's Weekly and the other by the New York Tribune. They were both able and generous tributes, and deserve to be classed with the best funeral orations in our language. A special commemorative service was held by the New York Chamber of Commerce and another by the Legislature of Massachusetts. Longfellow, Whittier and Holmes each commemorated him in a poem. The press of the whole country recognized the loss as a National one and united in generous praise of the dead Senator. It was commented on by many of the papers of Great Britain and by some in France and a sketch of his life, with a portrait, was printed in one in Stockholm. Extracts from the English estimates were collected by the London correspondent of the New York Tribune and were republished in an article of his own to his home paper.

But of all the tributes, those of his associates in public life were the most discriminating and contain the best estimates of his character. They knew him intimately, saw his life and his work closely and speaking before the country and in the presence of one another, they spoke carefully. They do not attempt to conceal that they saw defects in his character. But

there was a generous acknowledgment of his great work and the loss his death was to the Senate and to the country. "Whoever was first in other fields of statesmanship, the pre-eminence of Sumner on the slavery question must always be conceded." They testified to his official integrity, the purity of his private life, his ability, his industry, his deeply affectionate nature, his strong religious faith.

They dwelt upon the gentleness and kindness of his disposition during these last months, no unkind word for his old antagonists, only a longing for peace and harmony, and the spirit of charity. And why should it not be so? The long day's work was ended, derided, scoffed at and denounced, borne with stern patience through the noon tide heats, it at last had triumphed. There remained no forum where its justice was debated and no home so lowly that it could not reach. As the shadows gathered, he could easily cover up the animosities of the past and look forward, with a cheering hope, to the future.



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